

09:27AM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER GERACE, JR.,

Defendant.

Case No. 1:19-cr-227
1:23-cr-37
(LJV)

November 13, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF G.R. (PW #2)
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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09:36AM 1 (Excerpt commenced at 9:58 a.m.)

09:58AM 2 (Jury seated at 9:58 a.m.)

09:58AM 3 **THE COURT:** Good morning, everyone.

09:58AM 4 **ALL JURORS:** Good morning.

09:58AM 5 **THE COURT:** The record will reflect that all our
09:58AM 6 jurors are present. I understand we have a hard stop at 5
09:59AM 7 tonight, and a hard stop at 5 tomorrow night because of one of
09:59AM 8 our jurors, so we will honor that obviously. And I appreciate
09:59AM 9 you letting me know about those, because -- it's going to be
09:59AM 10 unusual that we go past 5, but on a day like yesterday where
09:59AM 11 we' were very close to finishing a witness, it just made more
09:59AM 12 sense to do that. So I apologize for that, but we will
09:59AM 13 certainly stop by 5 tonight and tomorrow.

09:59AM 14 The government can all its next witness.

09:59AM 15 **MR. COOPER:** The government calls G.R.

09:59AM 16
09:59AM 17 **G.R. (PROTECTED WITNESS #2),** having been duly called and
10:00AM 18 sworn, testified as follows:

10:00AM 19 **MR. COOPER:** May I inquire, Judge?

10:00AM 20 **THE COURT:** You may.

10:00AM 21

10:00AM 22 **DIRECT EXAMINATION BY MR. COOPER:**

10:00AM 23 Q. Good morning, G.R.

10:00AM 24 A. Good morning.

10:00AM 25 Q. So, first of all, that's Ann Sawyer. She's typing down

10:00AM 1 everything that we say. And she reminded me this morning
10:00AM 2 that I need to speak nice and slow, especially in the
10:00AM 3 beginning. So I'm going to do that, and I'm going to ask you
10:00AM 4 to speak nice and slow, and speak right into the microphone
10:00AM 5 so that everyone can hear. Okay?

10:00AM 6 A. Okay.

10:00AM 7 Q. How old are you?

10:00AM 8 A. 39.

10:00AM 9 Q. 39?

10:00AM 10 A. Yes.

10:00AM 11 Q. Okay. And how far did you go in school?

10:01AM 12 A. Bachelor's degree.

10:01AM 13 Q. Okay. What's your bachelor's degree in?

10:01AM 14 A. Social sciences.

10:01AM 15 Q. And when did you get that bachelor's degree?

10:01AM 16 A. I believe it was 2015.

10:01AM 17 **THE COURT:** Right into the microphone, ma'am.

10:01AM 18 **THE WITNESS:** Sorry.

10:01AM 19 **MR. COOPER:** No, it's okay.

10:01AM 20 **THE COURT:** It's got to pick up your voice, that's
10:01AM 21 all.

10:01AM 22 **THE WITNESS:** Okay. 2015.

10:01AM 23 **BY MR. COOPER:**

10:01AM 24 Q. Okay. And if you want, you can pull it closer to you.

10:01AM 25 There you go.

10:01AM 1 You said 2015. Where is that degree from?

10:01AM 2 A. The University at Buffalo.

10:01AM 3 Q. Okay. Generally are you living in the Western New York
10:01AM 4 area now?

10:01AM 5 A. Yes.

10:01AM 6 Q. Where'd you grow up at?

10:01AM 7 A. Watkins Glen, New York.

10:01AM 8 Q. Now, we're gonna cover some things kind of quickly, and
10:01AM 9 then we'll go through it in more detail. Generally, are
10:01AM 10 there times in your life where you've struggled with
10:01AM 11 addiction to drugs and alcohol?

10:01AM 12 A. Yes.

10:01AM 13 Q. Okay. Before we go into detail about that, are you
10:01AM 14 currently using drugs?

10:01AM 15 A. No.

10:01AM 16 Q. Are you currently using alcohol?

10:02AM 17 A. No.

10:02AM 18 Q. Would you describe yourself as living sober now?

10:02AM 19 A. Yes, for almost 13 years.

10:02AM 20 Q. Okay. You said 13 years?

10:02AM 21 A. Almost, yes.

10:02AM 22 Q. All right. Let's hit the rewind button now and start
10:02AM 23 kind of towards the beginning.

10:02AM 24 Can you describe for the jury how those problems with
10:02AM 25 addiction began in your life?

10:02AM 1 A. Sure. Do you want me to go back to, like, when I was a
10:02AM 2 teenager?

10:02AM 3 Q. Yeah. So, like, was that around age 18, 19 when things
10:02AM 4 started to become a problem for you? When was the first time
10:02AM 5 you used drugs? What age?

10:02AM 6 A. 17 for drugs, but I started drinking when I was maybe 13.

10:02AM 7 Q. Okay.

10:02AM 8 A. 12, 13.

10:02AM 9 Q. You said you used drug for the first time around age 17?

10:02AM 10 A. Yes.

10:02AM 11 Q. Okay. And what kind of drugs was that?

10:02AM 12 A. I tried cocaine.

10:02AM 13 Q. Where were you living at that time when you were a
10:02AM 14 teenager?

10:02AM 15 A. With my grandparents in Watkins Glen, New York.

10:03AM 16 Q. Did you get in trouble around age 19?

10:03AM 17 A. Yes, I did.

10:03AM 18 Q. Can you tell the jury what happened?

10:03AM 19 A. Yes. I got my first DWI when I was 19 years old living
10:03AM 20 with my grandparents.

10:03AM 21 Q. As a result of that DWI at age 19, did your family send
10:03AM 22 you to live somewhere else?

10:03AM 23 A. Yes. My mother was currently residing in Buffalo,
10:03AM 24 New York, with her fiancé at the time. And my grandfather
10:03AM 25 just lost his wife, my grandmother, so he couldn't really

10:03AM 1 deal with the stress. So we did a geographical relocation to
10:03AM 2 Buffalo for me.

10:03AM 3 Q. Were you working at that time?

10:03AM 4 A. I was going to school full time, and I was waitressing at
10:03AM 5 the Olive Garden.

10:03AM 6 Q. Okay. Now, when you say going to school full time, where
10:03AM 7 were you going to school back then?

10:03AM 8 A. When I was living in Watkins Glen, I was going to Corning
10:03AM 9 Community College, and I transferred to ECC.

10:03AM 10 Q. Okay.

10:03AM 11 A. Erie Community College.

10:03AM 12 Q. And then I asked you if you were working, but let me do a
10:04AM 13 better job with my question.

10:04AM 14 Before you moved to the Buffalo area when you were living
10:04AM 15 in that Watkins Glenn area, were you working at that time?

10:04AM 16 A. Yes, the Olive Garden, that's where it was.

10:04AM 17 Q. Got it. And at the same time you were going to school?

10:04AM 18 A. Yes.

10:04AM 19 Q. When you moved to Buffalo, did you set it up so you could
10:04AM 20 continue waitressing at the Olive Garden?

10:04AM 21 A. Yes.

10:04AM 22 Q. Okay. So did you start working at the Olive Garden in
10:04AM 23 the Buffalo area?

10:04AM 24 A. So, I'm sorry, let me back up. So, no, I had -- they
10:04AM 25 actually didn't have any positions open. So I actually took

10:04AM 1 a job at Mighty Taco for, like, one day.

10:04AM 2 Q. Okay.

10:04AM 3 A. And I didn't like it.

10:04AM 4 Q. So Mighty Taco for a very short period of time --

10:04AM 5 A. Yeah, one day.

10:04AM 6 Q. -- is that fair?

10:04AM 7 A. Yeah, fair.

10:04AM 8 Q. Okay. Now, after Mighty Taco, did you get other

10:04AM 9 employment?

10:04AM 10 A. Actually my sister who'd never done it a day in her life

10:04AM 11 suggested that I try Rick's Tally-Ho. It was a strip club,

10:05AM 12 an adult entertainment club.

10:05AM 13 Q. Was your sister older or younger than you?

10:05AM 14 A. A few years older.

10:05AM 15 Q. Okay. And you said she'd never done it a day in her

10:05AM 16 life, but she recommended it to you?

10:05AM 17 A. Yeah, she did.

10:05AM 18 Q. And did you give it a shot?

10:05AM 19 A. I did.

10:05AM 20 Q. Okay. Now I'm not going to go into details at all about

10:05AM 21 what happened at Rick's Tally-Ho, but about how long did you

10:05AM 22 work there for?

10:05AM 23 A. Maybe, like, a year or two. And then I transferred to --

10:05AM 24 or, went over to Mademoiselle's.

10:05AM 25 Q. Okay. And what's Mademoiselle's?

10:05AM 1 A. It's another gentlemen's club.

10:05AM 2 Q. Okay. Now, during that time in your life, are you around

10:05AM 3 age 19, age 20?

10:05AM 4 A. Yeah, probably 20.

10:05AM 5 Q. Okay. Did you continue drinking alcohol, abusively?

10:05AM 6 A. Yes.

10:05AM 7 Q. Did you continue to use cocaine?

10:05AM 8 A. Yes.

10:05AM 9 Q. Did you get a second DWI?

10:05AM 10 A. Second and a third, yes.

10:05AM 11 Q. After that third DWI, what happened?

10:05AM 12 A. I got -- the judge sentenced me to -- he gave me rehab,

10:06AM 13 and then --

10:06AM 14 Q. Were you put on probation?

10:06AM 15 A. Yes, felony probation. And I was to go to an

10:06AM 16 outpatient -- inpatient rehab, excuse me.

10:06AM 17 Q. Okay. Did you go to that inpatient rehab?

10:06AM 18 A. I did.

10:06AM 19 Q. And for a period of time while you're in inpatient rehab,

10:06AM 20 did you stay clean and sober?

10:06AM 21 A. Yes, and following my discharge from the outpatient I was

10:06AM 22 sober.

10:06AM 23 Q. Got it. So let's talk about that now.

10:06AM 24 Following your discharge from outpatient, were you clean,

10:06AM 25 off drugs and alcohol at that time?

10:06AM

1 A. Yes.

10:06AM

2 Q. Okay. And about how old were you when you got out of

10:06AM

3 that rehab?

10:06AM

4 A. I feel like I was still 20. I can't really remember, it

10:06AM

5 was a long time ago.

10:06AM

6 Q. Did you continue working as an exotic dancer or stripper?

10:06AM

7 A. I did. I went back to that.

10:06AM

8 Q. Okay. I cannot do math to save my life, but help me

10:07AM

9 here. What year approximately would that have been when you

10:07AM

10 got out of rehab if you were about 19 or 20?

10:07AM

11 A. I was born in 19 --

10:07AM

12 Q. What year were you born?

10:07AM

13 A. I was born in '85, so --

10:07AM

14 Q. Okay. So '05 you would have been 20; is that right?

10:07AM

15 A. Yeah, about -- '05 sounds right.

10:07AM

16 Q. Got it. Sorry about that.

10:07AM

17 Did there come a time after getting out of rehab and

10:07AM

18 going back to work at Rick's Tally-Ho when you switched over

10:07AM

19 and started working at Pharaoh's Gentlemen's Club?

10:07AM

20 A. Yes.

10:07AM

21 Q. Okay. Would that have been sometime around 2006?

10:07AM

22 A. Yes, that sounds right.

10:07AM

23 Q. Okay. How did you learn about Pharaoh's Gentlemen's

10:07AM

24 Club?

10:07AM

25 A. My roommate at the time was working there.

10:07AM 1 Q. Okay. Who was your roommate?

10:07AM 2 A. Aja Simpson.

10:07AM 3 Q. Were there things that you heard about Pharaoh's from Aja

10:07AM 4 that made you interested in going to work there?

10:07AM 5 A. Yes.

10:07AM 6 Q. What were those things?

10:07AM 7 A. She said that it was a clean club, and also there was

10:08AM 8 money there. Better money.

10:08AM 9 Q. Okay. And when you say "better money," do customers

10:08AM 10 bring money to the club?

10:08AM 11 A. Yes.

10:08AM 12 Q. And was it your understanding from what you heard from

10:08AM 13 Aja that Pharaoh's had more customers?

10:08AM 14 A. Better clientele.

10:08AM 15 Q. Okay. Was that interesting to you?

10:08AM 16 A. Yes.

10:08AM 17 Q. At that time when you go and start to work at Pharaoh's,

10:08AM 18 were you using drugs?

10:08AM 19 A. No.

10:08AM 20 Q. Were you drinking --

10:08AM 21 A. I was still sober.

10:08AM 22 Q. Were you drinking alcohol?

10:08AM 23 A. No.

10:08AM 24 Q. When you started working, were you like an on-the-books

10:08AM 25 employee?

1 A. Not at first, no.

2 Q. What was your employment relationship with the club at
3 first?

4 A. I don't know the term for that form, but I was an
5 independent contractor I guess.

6 Q. Okay. All right. Let's talk about working at Pharaoh's
7 generally and how you get paid, okay?

8 A. Okay.

9 Q. Can you describe for the jury the different ways that a
10 person working as a dancer at Pharaoh's Gentlemen's Club
11 earns money?

12 A. Sure. You can earn money through tips on stage or
13 through lap dances. You get these chips, and the club takes
14 a cut, and they give you a cut from the chips.

15 Q. Got it. And so, I'm gonna break some of this down in a
16 little more detail, and I'm not trying to embarrass you at
17 all, but I want to explain it for these people.

18 When you work at a club like Pharaoh's as a dancer, what
19 kind of clothing do you wear?

20 A. Pretty much very revealing clothing.

21 Q. Okay. Is it similar to, like, a bikini or bathing suit?

22 A. Yeah, yes.

23 Q. Okay. And you mentioned that one way that you can earn
24 money is earning tips doing stage dances; is that correct?

25 A. Yes.

10:09AM 1 Q. Okay. So, as a dancer working at Pharaoh's, first of
10:09AM 2 all, is there a stage inside kind of the main area?

10:10AM 3 A. Yes.

10:10AM 4 Q. And do you get up on that stage and dance?

10:10AM 5 A. Yeah.

10:10AM 6 Q. And when you do that, would customers put money either on
10:10AM 7 the stage or in your clothing?

10:10AM 8 A. Correct.

10:10AM 9 Q. Okay. Now, was Pharaoh's a club that allowed you to be
10:10AM 10 fully nude?

10:10AM 11 A. No.

10:10AM 12 Q. Okay. So, would you remove your top part of your
10:10AM 13 clothing?

10:10AM 14 A. Yeah. You had to wear underwear -- bottoms and pasties.

10:10AM 15 Q. Okay. And not trying to be crude, but what do you mean
10:10AM 16 when you say the word "pasties?" What is that?

10:10AM 17 A. Pasties cover -- it's a New York State law, I believe,
10:10AM 18 but they cover the nipple.

10:10AM 19 Q. Okay. And so you were -- would it be fair to say you
10:10AM 20 were allowed to take your top off, but you had to have
10:10AM 21 something covering your nipples?

10:10AM 22 A. Correct.

10:10AM 23 Q. And then you said the bottoms were supposed to stay on;
10:10AM 24 is that correct?

10:10AM 25 A. Yes.

10:10AM 1 Q. And when you would go do a stage dance, would customers
10:10AM 2 put money down for you?

10:10AM 3 A. Sure, yes.

10:10AM 4 Q. And is that one way that you as a dancer were able to
10:10AM 5 earn money?

10:10AM 6 A. Yes.

10:10AM 7 Q. Now at that early time when you started working at
10:10AM 8 Pharaoh's, were you getting paid, like, a weekly salary?

10:11AM 9 A. No, just whatever I was making on tips.

10:11AM 10 Q. Did you get paid hourly to be there?

10:11AM 11 A. No.

10:11AM 12 Q. Okay. So the way you earned money was customers putting
10:11AM 13 down tips; is that fair?

10:11AM 14 A. Yes.

10:11AM 15 Q. A second way that you described was -- I think you used
10:11AM 16 the word "lap dance;" is that correct?

10:11AM 17 A. Yes.

10:11AM 18 Q. Okay. Let's talk a little more geography here.

10:11AM 19 Other than that main area in the club with the stage, is
10:11AM 20 there a separate area in the club where those lap dances
10:11AM 21 happen?

10:11AM 22 A. Yes, there's a VIP Room.

10:11AM 23 Q. Okay. Can you tell the jury a little bit about that?
10:11AM 24 Where is it? What's it like back there? Explain it for
10:11AM 25 them.

1 A. Sure. Excuse me. In Pharaoh's, it was off to the
2 right-hand side as the stage. And there's two separate
3 rooms. There's one that's, like, more of an open, I guess,
4 seating where, you know, a bunch of people could sit on
5 couches or whatever.

6 And then there was an actual Champagne Room which is more
7 private and more expensive.

8 Q. Got it. Let's break that down a little.

9 So there's a VIP area, and you described there being
10 couches in there?

11 A. Yes.

12 Q. And is that -- what's the lighting like in that VIP area?

13 A. Dim.

14 Q. Okay. I mean, is it completely black? Are you walking
15 into walls?

16 A. No, you can --

17 Q. Okay.

18 A. -- see.

19 Q. But is it darker?

20 A. Yes, darker.

21 Q. Is that on purpose?

22 A. Yes, it's to set the ambiance, I guess.

23 Q. Okay.

24 A. Sorry. The ambiance, sorry.

25 Q. It's okay.

10:12AM 1 A. Set the mood.

10:12AM 2 Q. And then I think what you described is -- is there a more

10:12AM 3 private area within that VIP area?

10:12AM 4 A. Yeah, it's called the Champagne Room.

10:12AM 5 Q. Okay. And can you describe how -- is that separated or

10:12AM 6 private, more private than the general VIP area?

10:12AM 7 A. If I remember correctly, that was off to the left once

10:12AM 8 you paid for the dance. And it's just, there's -- it's

10:12AM 9 walled off from the other rooms. You can't really see in

10:12AM 10 there.

10:12AM 11 Q. Do you recall if there was a door or a curtain or

10:12AM 12 anything like that?

10:12AM 13 A. I don't think there's a curtain there.

10:12AM 14 Q. Okay.

10:12AM 15 A. Just walled off. There's, like, an opening though.

10:13AM 16 Q. Got it. And it's -- and you described walled off so,

10:13AM 17 like, on three sides, I guess, walled off?

10:13AM 18 A. Kind of, yeah. But you could still see, like, if you

10:13AM 19 were trying to look.

10:13AM 20 Q. Sure.

10:13AM 21 A. You could still see in there.

10:13AM 22 Q. Absolutely.

10:13AM 23 A. Yeah.

10:13AM 24 Q. When you would, let's walk through now how you end up

10:13AM 25 back there.

10:13AM 1 How would a dancer end up going into either the VIP area
10:13AM 2 or the Champagne area with a customer? How's that happen?
10:13AM 3 A. If you're on the floor and a customer asks for a dance.
10:13AM 4 Q. Yeah, explain. Just explain it like they've never been
10:13AM 5 there before.
10:13AM 6 A. I don't know. Usually when you're on stage, a customer
10:13AM 7 might come up and say, hey, come see me when you get off
10:13AM 8 stage, I'd like a private dance.
10:13AM 9 Q. Okay.
10:13AM 10 A. And then you go see the customer, and then you go in and
10:13AM 11 buy a private dance.
10:13AM 12 Q. Understood. Do you recall how much a private dance cost
10:13AM 13 when you were working at Pharaoh's?
10:13AM 14 A. I think it was like \$22 a dance.
10:13AM 15 Q. You made a face, and you said "I think."
10:13AM 16 A. Well, inflation. I don't know.
10:13AM 17 Q. That's okay. It's okay if you don't remember to say I
10:14AM 18 don't remember, I'm not sure. Okay?
10:14AM 19 A. Yeah, I don't remember.
10:14AM 20 Q. So do you remember as you sit here today in 2024 how much
10:14AM 21 a private dance cost in 2006?
10:14AM 22 A. No.
10:14AM 23 Q. Okay. You think it was more than \$20?
10:14AM 24 A. Maybe right around there, yeah.
10:14AM 25 Q. Okay. Would the customer pay you directly and you would

10:14AM 1 keep that money?

10:14AM 2 A. No.

10:14AM 3 Q. Explain how the finances work to them.

10:14AM 4 A. Right. There was a VIP doorman, and he would also act

10:14AM 5 as, like, a salesman. He'd try to get the customer to buy

10:14AM 6 more dances or whatever. But he would take the money and put

10:14AM 7 it in, like, a drawer. And he would -- he'd write a tally

10:14AM 8 mark down also, so he could keep track of how many chips you

10:14AM 9 got. And then he would give you a chip in return.

10:14AM 10 Q. When you say a "chip," is that like a poker chip kind of?

10:14AM 11 A. Yeah, it's exactly what it was.

10:14AM 12 Q. Okay.

10:14AM 13 A. It was worth money.

10:14AM 14 Q. And so the customer would give money to a VIP attendant,

10:14AM 15 and you as the dancer would receive a poker chip?

10:15AM 16 A. Yes.

10:15AM 17 Q. How would you turn those poker chips into money at the

10:15AM 18 end of the night?

10:15AM 19 A. Yep. At the end of the night, you go to the same

10:15AM 20 doorman, and you give him all your chips, and he would cash

10:15AM 21 you out.

10:15AM 22 Q. Now, did you keep all the money from each VIP dance that

10:15AM 23 happened?

10:15AM 24 A. No. The club took a portion of it. A smaller portion,

10:15AM 25 but they took a portion of it.

1 Q. So, you kept a percentage, and the club kept a
2 percentage?

3 A. Yes.

4 Q. All right. We're going to come back a little later
5 today, or this morning, and we're going to talk about that in
6 more detail, but I want to move on first.

7 While you worked at Pharaoh's did you come to know who
8 owned the club?

9 A. Yes.

10 Q. When you started working there, who owned Pharaoh's
11 Gentlemen's Club?

12 A. It was my understanding that it was Peter Gerace and Don
13 Parrino.

14 Q. Okay. And you mentioned a person named Peter Gerace. Is
15 that person in court today?

16 A. Yes.

17 Q. Can you just point him out and let the jury know what
18 he's wearing for the record?

19 A. Yeah. He's sitting over there in a suit and tie right in
20 the middle.

21 Q. In the middle?

22 A. Yep.

23 **MR. COOPER:** For the record, Judge, indicating the
24 defendant.

25 **THE COURT:** It does.

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BY MR. COOPER:

Q. So when you started working there, Peter and Don Parrino owned the club; is that correct?

A. Yes.

Q. Okay. Now did Pharaoh's have different -- let's start here.

Do you remember how long Pharaoh's was opened generally, like, what hours?

A. I think they opened at noon. And they were open until 4 in the morning.

Q. Okay. Now were there two different shifts that existed during that noon to 4 a.m. timeframe?

A. Yes.

Q. Okay. Can we refer to those -- will you know what I'm talking about if I say dayshift and nightshift?

A. Yes.

Q. Okay. Who ran the dayshift generally?

A. Don Parrino.

Q. Okay. And who ran the nightshift generally?

A. Usually Peter Gerace.

Q. Did you work -- did you sometimes work dayshifts?

A. Yes.

Q. Did you sometimes work nightshifts?

A. Yes.

Q. Did you observe a difference between the dayshift when

10:17AM 1 Don Parrino was running it and the nightshift when Peter was
10:17AM 2 running it?

10:17AM 3 A. Yes.

10:17AM 4 Q. Can you tell them about that?

10:17AM 5 A. During the day, it was quiet. There was a lot of guys on
10:17AM 6 their lunch break. And, you know, I guess rules were
10:17AM 7 followed.

10:17AM 8 And nighttime, it was day and night. That expression.

10:17AM 9 And -- and nighttime, it was more of a free for all. And,
10:17AM 10 yeah, more of a wild atmosphere.

10:17AM 11 Q. When you say "free for all," what do you mean by that?

10:17AM 12 A. I don't know. Dancers drinking more and music was
10:17AM 13 louder, different clientele.

10:17AM 14 Q. Did you observe drug use?

10:17AM 15 A. Not at first because I was sober, but yes, eventually I
10:17AM 16 noticed drug use was happening.

10:17AM 17 Q. Okay.

10:17AM 18 A. Yes.

10:17AM 19 Q. That's a great transition point right there. You
10:17AM 20 mentioned that not at first because you were sober; is that
10:17AM 21 correct?

10:17AM 22 A. Yes.

10:17AM 23 Q. Did there become a time while you were working at
10:17AM 24 Pharaoh's when you started using again?

10:18AM 25 A. Yes.

1 Q. Okay. I want to talk about that now.

2 Do you remember approximately when that was?

3 A. I was in nursing school, I remember. And this was a

4 spring semester, so it was my second semester in nursing

5 school. I believe it was towards the end, so it might have

6 been April-ish, maybe.

7 Q. Got it. And would that have been in 2009?

8 A. Yes.

9 Q. So sometime spring of '09, is that a fair estimate?

10 A. Yeah.

11 Q. And just -- we're going to pause for one second, get this

12 out of the way.

13 Today's not the first time we've met, right?

14 A. Right.

15 Q. We've sat down and spoken about these same topics before;

16 is that right?

17 A. Yes.

18 Q. Okay. Have I asked you a lot of the same questions I'm

19 asking you today?

20 A. Yes.

21 Q. Have you answered a lot of the same questions you're

22 answering today?

23 A. Yes.

24 Q. Did that help you feel more comfortable getting up on the

25 witness stand?

10:18AM 1 A. Yes.

10:19AM 2 Q. Was it better than getting up there having no clue what I
10:19AM 3 was going to ask you?

10:19AM 4 A. Yeah.

10:19AM 5 Q. Let's now jump back into it.

10:19AM 6 Spring of 2009. What happens that causes you to start
10:19AM 7 using drugs again? Just describe for them what occurred.

10:19AM 8 A. I meet this gentleman that I was in rehab with, the rehab
10:19AM 9 that I went to that I was sentenced to when I was 19 or 20.
10:19AM 10 He was actually in the club one night with his sister, K.L.

10:19AM 11 And we hit it off right away, his sister and I. She was
10:19AM 12 super cool. And she was a cocaine user, I guess. And she
10:19AM 13 offered me some. And I didn't give it a second thought, and
10:19AM 14 I took it.

10:19AM 15 Q. Was that the first time that you had met K.L.?

10:19AM 16 A. Yes.

10:19AM 17 Q. And you mentioned that you knew her brother who was there
10:20AM 18 with her from rehab?

10:20AM 19 A. Yes, I was in rehab with him.

10:20AM 20 Q. When you met K.L. that first night, did you use cocaine
10:20AM 21 with her?

10:20AM 22 A. Yes.

10:20AM 23 Q. Okay. At that point, had you been sober up until that
10:20AM 24 point?

10:20AM 25 A. Yes.

10:20AM 1 Q. For a period of time at least?

10:20AM 2 A. Yeah.

10:20AM 3 Q. Okay. And so if we're in 2009, would it be fair to say

10:20AM 4 you had been sober for a couple of years up until the point

10:20AM 5 when you met K.L.?

10:20AM 6 A. Yeah, for the most -- yes.

10:20AM 7 Q. Were you going to say for the most part?

10:20AM 8 A. For the most part, yes.

10:20AM 9 Q. Okay.

10:20AM 10 A. Because I had a couple of slips, I wasn't really going

10:20AM 11 to -- I wasn't, like, in a program like I am now. So I was

10:20AM 12 sober for the most part, yes. No drugs.

10:20AM 13 Q. Okay.

10:20AM 14 A. Yes.

10:20AM 15 Q. Some slips, were you referring to alcohol use?

10:20AM 16 A. Yes.

10:20AM 17 Q. Now when -- did K.L. offer you cocaine?

10:20AM 18 A. Yes.

10:20AM 19 Q. Did that happen inside of Pharaoh's?

10:20AM 20 A. Yeah.

10:20AM 21 Q. Now, to be clear, she didn't put a gun your head and make

10:20AM 22 you use cocaine, did she?

10:20AM 23 A. No, she didn't.

10:20AM 24 Q. Did she threaten you?

10:21AM 25 A. No, she didn't threaten me.

1 Q. Did she force you?

2 A. No, she did not.

3 Q. At that time when K.L. offered you cocaine, were you
4 actively addicted to cocaine?

5 A. No, I wasn't.

6 Q. Was that the only time you ever met K.L.?

7 A. Up until that point, yes, it was the first time I met
8 her.

9 Q. After that, did you continue to interact with her?

10 A. Yes, her and I became really good friends.

11 Q. Can you describe for the jury how your relationship with
12 K.L. progressed?

13 A. We continued hanging out. And we did a lot of stuff
14 together. Mostly drinking and drugging. We partied together
15 a lot.

16 Q. Did you see her at Pharaoh's again after that first time?

17 A. Yes.

18 Q. Did she begin frequenting Pharaoh's more often?

19 A. Yes.

20 Q. What was bringing her around Pharaoh's if you know?

21 A. Yeah. At some point, she started seeing Peter Gerace.

22 Q. When you say "seeing" him, what do you mean by that?

23 A. Dating, if that's what you want to call it. Sleeping
24 with.

25 Q. Okay. She was in a sexual relationship with him?

10:22AM 1 A. Yes.

10:22AM 2 Q. Would that timeframe be from the spring into the summer
10:22AM 3 of 2009?

10:22AM 4 A. Roughly, yes.

10:22AM 5 Q. Now, you mentioned that you continued to see K.L. a lot,
10:22AM 6 and a lot of what you did was, I think you said, drinking and
10:22AM 7 drugging; is that right?

10:22AM 8 A. Yes.

10:22AM 9 Q. Once you started using again, did that spiral pretty
10:22AM 10 quickly for you?

10:22AM 11 A. Yes.

10:22AM 12 Q. Can you describe for the jury what it's like to slip back
10:22AM 13 into addiction like that? How does that happen?

10:22AM 14 A. How does it happen? You go from doing it once, and like
10:22AM 15 myself, because I'm an alcoholic and an addict, once became
10:22AM 16 daily, and then it was all day every day. And then there
10:22AM 17 were gaps or timeframes where I'd be up for two to three days
10:22AM 18 on end. I was spending all my money on it.

10:22AM 19 Should I --

10:22AM 20 Q. You're doing fine.

10:22AM 21 A. Should I say this? At some point I had lost -- I -- I
10:23AM 22 weigh 135 right now, so I was down to 114 pounds. I looked
10:23AM 23 strung out. I felt strung out. And I wasn't even paying my
10:23AM 24 bills. I was just -- all my money from dancing was going to
10:23AM 25 drugs and alcohol.

1 Q. At some point in your mind, when you're using drugs daily
2 as you've described, spending all of your money on it, in
3 your mind, does it go from being a choice you're making to
4 something that you have to do?

5 A. Yes.

6 Q. Can you explain that in a little more detail to the jury
7 if they haven't experienced that themselves before?

8 A. Yeah. I don't know. It's like a switch gets flipped in
9 your mind. You just feel compelled to continue.

10 And when I wasn't doing alcohol and drugs, like, if I'd
11 have moments where I was just waking up, I was thinking about
12 it. I would plan my entire day, week, whatever, around
13 drinking and drugging.

14 Q. Did you need money to get drugs?

15 A. Yes.

16 Q. How were you getting money at that time in the summer of
17 2009?

18 A. Dancing.

19 Q. Were you working at Pharaoh's?

20 A. Yes.

21 Q. Did there come a time when in addition to cocaine you
22 started using a different type of drug?

23 A. Opiates, yes.

24 Q. Was that also in that summer of 2009?

25 A. Yes.

10:24AM 1 Q. Who -- well, first of all, what kind of opiate did you
10:24AM 2 start using?

10:24AM 3 A. Started off as Lortabs.

10:24AM 4 Q. What's a Lortab?

10:24AM 5 A. A Lortab is a pain -- a prescription pain pill. And at
10:24AM 6 some point it turned into heroin.

10:24AM 7 Q. Okay. You said it started off as Lortabs. When you
10:24AM 8 started using Lortabs, were those addictive?

10:24AM 9 A. Yes, very.

10:24AM 10 Q. Can you describe to the jury what addiction to opiates
10:24AM 11 like Lortabs, what's that like?

10:24AM 12 A. That's worse than being addicted to cocaine and/or
10:24AM 13 alcohol. Without even realizing it, say, when I didn't have
10:24AM 14 the Lortab, I would go into withdrawal, and I would feel like
10:25AM 15 I had a really bad case of the flu. I would start vomiting,
10:25AM 16 I'd sweat, shake. You just feel nauseous and fatigued, and
10:25AM 17 your muscles ache. You feel terrible.

10:25AM 18 Q. When you're actively addicted to a substance like
10:25AM 19 Lortabs, are you afraid of not having it and going through
10:25AM 20 that withdrawal?

10:25AM 21 A. Yes, you don't want to experience that feeling on
10:25AM 22 purpose.

10:25AM 23 Q. Does that fear of withdrawal drive your decisionmaking
10:25AM 24 when you're in active addiction to opiates like that?

10:25AM 25 A. I would say so, yes.

10:25AM 1 Q. Did the Lortab use progress from, like, one pill for the
10:25AM 2 first time to daily use?

10:25AM 3 A. Yes. Just like alcohol and cocaine, it went from a few
10:25AM 4 here and there, to daily use, and then it was all day every
10:25AM 5 day.

10:25AM 6 Q. Are we talking about that same timeframe of the spring
10:25AM 7 into the summer of 2009?

10:26AM 8 A. Yes.

10:26AM 9 Q. By the summer of 2009, are you fully in the throes of
10:26AM 10 addiction to cocaine?

10:26AM 11 A. Yes.

10:26AM 12 Q. Are you fully in the throes of addiction to opiates?

10:26AM 13 A. Yes.

10:26AM 14 Q. Do you remember where you got Lortabs from the first
10:26AM 15 time?

10:26AM 16 A. I think I got them from K.L..

10:26AM 17 Q. Okay. And is that the same K.L. that we were talking
10:26AM 18 about a moment ago?

10:26AM 19 A. Yes.

10:26AM 20 Q. Do you know -- and if you don't, say I don't know -- do
10:26AM 21 you know where K.L. got them from?

10:26AM 22 A. I don't know.

10:26AM 23 Q. About how much money would you think in a week you were
10:26AM 24 making during that timeframe in the summer of 2009?

10:26AM 25 A. Like, two grand a week.

10:26AM 1 Q. And \$2,000 a week that you're making, were you using that
10:26AM 2 to pay your electric bill?

10:27AM 3 A. No.

10:27AM 4 Q. Were you paying your rent?

10:27AM 5 A. No.

10:27AM 6 Q. What were you using that money on?

10:27AM 7 A. It all went to drugs.

10:27AM 8 Q. Okay. We've talked a little bit about the geography
10:27AM 9 inside the club at Pharaoh's. I want to talk about a
10:27AM 10 different area of the club now.

10:27AM 11 Are you aware of an upstairs area at Pharaoh's?

10:27AM 12 A. Yes.

10:27AM 13 Q. Okay. And can you talk to the jury a little bit, just
10:27AM 14 the geography, explain that. What's it look like? How do
10:27AM 15 you get there? That kind of thing.

10:27AM 16 A. I don't really remember how you get there. This was,
10:27AM 17 again, 19 years ago. But I know -- I think the staircase
10:27AM 18 was, like, off the kitchen or something, maybe. You go
10:27AM 19 upstairs. There's, like, a hallway, there's a bathroom off
10:27AM 20 to the side, a small bathroom, and then there's an another
10:27AM 21 small room that had, like, a couch and, like, a coffee table
10:27AM 22 and speakers in it.

10:27AM 23 Q. Was it set up kind of like an apartment?

10:27AM 24 A. Kind of.

10:28AM 25 Q. When you first started working at Pharaoh's back in the

10:28AM 1 '06 timeframe, did you go upstairs frequently?

10:28AM 2 A. No.

10:28AM 3 Q. Okay. Did there come a time when you started going

10:28AM 4 upstairs?

10:28AM 5 A. Yes.

10:28AM 6 Q. What caused you to start going upstairs?

10:28AM 7 A. Well, K.L. was invited upstairs, she was seeing Peter, so

10:28AM 8 I would go up with her.

10:28AM 9 Q. Okay. So is that, again, now we're talking about the

10:28AM 10 same timeframe when K.L. comes into your life, starting in

10:28AM 11 the spring of '09 into the summer of '09?

10:28AM 12 A. Yes.

10:28AM 13 Q. When you would go upstairs with K.L. and Peter, what

10:28AM 14 would happen?

10:28AM 15 A. Party.

10:28AM 16 Q. Okay. When you say "party," what do you mean?

10:28AM 17 A. Use cocaine, drink, that sort of stuff.

10:28AM 18 Q. Who would provide the cocaine upstairs?

10:28AM 19 A. Usually Peter.

10:28AM 20 Q. Is that this defendant?

10:28AM 21 A. Yes.

10:28AM 22 Q. Were you and K.L. the only two people that would be up

10:28AM 23 there partying and using cocaine with the defendant?

10:29AM 24 A. No, there was other people up there.

10:29AM 25 Q. Who do you recall also being up there?

10:29AM 1 A. Just like other friends of his, sometimes other dancers.

10:29AM 2 Q. Okay. When you say "friends of his," is that generally

10:29AM 3 men?

10:29AM 4 A. Yes.

10:29AM 5 Q. And are the dancers, are they all women?

10:29AM 6 A. Yeah, there's no male dancers there.

10:29AM 7 Q. You said I think a moment ago that the men, you perceived

10:29AM 8 as friends of the defendants; is that correct?

10:29AM 9 A. Yes.

10:29AM 10 Q. Is that based on the observations that you made?

10:29AM 11 A. Yeah.

10:29AM 12 Q. Did you see him interacting with those people?

10:29AM 13 A. Yeah.

10:29AM 14 Q. You're 39 years old, you know what friends look like,

10:29AM 15 right?

10:29AM 16 A. Yeah.

10:29AM 17 Q. Would you describe those people as people he seemed close

10:29AM 18 with?

10:29AM 19 A. Maybe just, yeah, I don't know.

10:29AM 20 Q. Let me ask a better question.

10:29AM 21 A. Yeah.

10:29AM 22 Q. Downstairs there's random customers, right?

10:29AM 23 A. Yes.

10:29AM 24 Q. Were the random customers allowed to go upstairs --

10:29AM 25 A. No.

10:29AM 1 Q. -- and do cocaine with Peter?

10:29AM 2 A. Some, no.

10:29AM 3 Q. And I'm not trying to be critical.

10:29AM 4 A. Yeah, I know.

10:29AM 5 Q. So was there a distinction in your mind of who got to go

10:30AM 6 upstairs?

10:30AM 7 A. People he was closer with, yes.

10:30AM 8 Q. Okay. Can you describe about how many times you think

10:30AM 9 you went upstairs and did cocaine with Peter and other

10:30AM 10 people?

10:30AM 11 A. A few, maybe a half a dozen. A few times.

10:30AM 12 Q. In those times, about how much cocaine would you see the

10:30AM 13 defendant with?

10:30AM 14 A. Nothing more than maybe, like, an 8 Ball or something.

10:30AM 15 Q. Is that about -- if you know?

10:30AM 16 A. I don't know what the grams are, sorry, I don't know the

10:30AM 17 measurement.

10:30AM 18 Q. I got a different question for you.

10:30AM 19 A. Okay.

10:30AM 20 Q. About how many people would an 8 Ball of cocaine get

10:30AM 21 high?

10:30AM 22 A. Maybe like four or five.

10:30AM 23 Q. Okay.

10:30AM 24 A. Yeah.

10:30AM 25 Q. You described for the jury a few minutes ago that during

10:30AM 1 that timeframe we've been discussing, you became a daily user
10:31AM 2 of drugs; is that correct?
10:31AM 3 A. Yes.
10:31AM 4 Q. Were you using cocaine daily?
10:31AM 5 A. Yes.
10:31AM 6 Q. Were you using opiates daily?
10:31AM 7 A. Yes.
10:31AM 8 Q. Okay. On the days that you would work, were you using
10:31AM 9 those drugs while you worked?
10:31AM 10 A. Yes.
10:31AM 11 Q. Did you use cocaine at Pharaoh's?
10:31AM 12 A. Yes.
10:31AM 13 Q. Other than just in the upstairs area?
10:31AM 14 A. Yes.
10:31AM 15 Q. Did you use opiates at Pharaoh's?
10:31AM 16 A. I did.
10:31AM 17 Q. Okay. Where would you use those drugs if you weren't in
10:31AM 18 the upstairs area?
10:31AM 19 A. Go in the bathroom.
10:31AM 20 Q. Okay. Was that kind of the common place for you?
10:31AM 21 A. Yes.
10:31AM 22 Q. Were you the only dancer that you knew went in the
10:31AM 23 bathroom and used drugs?
10:31AM 24 A. No, there was other dancers.
10:31AM 25 Q. Okay. Do you remember the names of any of the other

10:31AM 1 dancers that you saw using drugs at Pharaoh's?

10:31AM 2 A. No. Like, I could picture what they look like, but I
10:31AM 3 can't remember exactly who they were.

10:31AM 4 Q. Okay. And that's maybe a good point to bring up. Do
10:31AM 5 most people go by their government name?

10:31AM 6 A. No. No, they don't.

10:31AM 7 Q. Okay. And this is about 15 years ago? 2009?

10:31AM 8 A. Yeah. Yeah, it was quite a while ago, yes.

10:32AM 9 Q. You described for the jury a few moments ago how that
10:32AM 10 drug addiction impacted your physical appearance; do you
10:32AM 11 remember that?

10:32AM 12 A. Yes.

10:32AM 13 Q. Were you the only dancer at Pharaoh's who had that
10:32AM 14 physical appearance of being strung out on drugs?

10:32AM 15 A. No, K.L. started to look that way, too.

10:32AM 16 Q. Okay. Was she a daily cocaine user?

10:32AM 17 A. Yes.

10:32AM 18 Q. Was she a daily opiate user?

10:32AM 19 A. Yes.

10:32AM 20 Q. Would she use those same drugs at Pharaoh's?

10:32AM 21 A. Yes.

10:32AM 22 Q. All right. I want to talk about the effects of those
10:32AM 23 drugs on you when you used them for a moment. We'll take
10:32AM 24 them one at a time.

10:32AM 25 A. Okay.

10:32AM 1 Q. Start with cocaine. How does cocaine make you feel when
10:32AM 2 you use it like the first couple times before you're, you
10:32AM 3 know, heavily addicted to it?
10:32AM 4 A. Euphoric.
10:32AM 5 Q. Okay. It's a great feeling?
10:32AM 6 A. Superhuman, yes. Energized.
10:32AM 7 Q. Is it a stimulant, do you know?
10:32AM 8 A. Yes, it's a stimulant.
10:32AM 9 Q. If you're drinking alcohol, which you've described that
10:33AM 10 you struggled with alcohol use, does cocaine give you the
10:33AM 11 ability to stay up and drink more?
10:33AM 12 A. Yes.
10:33AM 13 Q. Is that common based on your life experience?
10:33AM 14 A. Yes.
10:33AM 15 Q. Did Pharaoh's sell alcohol?
10:33AM 16 A. Yes.
10:33AM 17 Q. Over time, as you become a daily cocaine user, does that
10:33AM 18 euphoric effect continue?
10:33AM 19 A. No.
10:33AM 20 Q. Describe that. Explain it to them.
10:33AM 21 A. It goes from feeling euphoric and exciting to almost like
10:33AM 22 drinking a cup of coffee, that's what it's equivalent to,
10:33AM 23 because you build a tolerance to it.
10:33AM 24 And then there comes a point where I just -- I need it
10:33AM 25 just to function normally.

1 Q. What do you mean? Explain to them that sentence, I need
2 it just to function. What does it mean?

3 A. Like, get out of bed. I'd have no energy and I'd feel,
4 like, lethargic and almost, I don't know, like I was sick,
5 like I had a cold or something. So I would take cocaine just
6 so I had enough energy to, like, get up and do normal things
7 in the morning like brush my teeth, take a shower, put makeup
8 on, get dressed, let my dogs out. Like, all those things
9 took a lot of energy.

10 Q. During that time when you were addicted to cocaine, could
11 you have shown up for work and done a shift dancing at
12 Pharaoh's without cocaine?

13 A. Not at this point, no.

14 Q. Okay. And at that point, did you need to dance at
15 Pharaoh's in order to make money to buy the cocaine?

16 A. Yes.

17 Q. Is there a bit of a cycle there?

18 A. Yes.

19 Q. Let's move on to the -- oh, one more question about
20 cocaine. How long did the effects of cocaine last when you
21 use it, approximately?

22 A. A couple hours.

23 Q. Okay.

24 A. But if you're a continuous user, I feel like that is less
25 time, maybe.

10:34AM 1 Q. You talked about tolerance a minute ago?

10:34AM 2 A. Yes.

10:34AM 3 Q. As you develop a tolerance, do you need to use more and
10:34AM 4 more --

10:34AM 5 A. Frequently.

10:34AM 6 Q. I'm not being critical. So Ann can type down my
10:34AM 7 question, just try to wait for me to finish asking --

10:34AM 8 A. Okay.

10:34AM 9 Q. -- and then you answer, okay?

10:35AM 10 A. Okay.

10:35AM 11 Q. Do you need to use more and more in order to get that
10:35AM 12 same effect from it?

10:35AM 13 A. Yes. You to use it more frequently.

10:35AM 14 Q. Okay. And how long generally were your shifts that you
10:35AM 15 worked at Pharaoh's?

10:35AM 16 A. Maybe six hours.

10:35AM 17 Q. Okay. And so if you used before you went to Pharaoh's,
10:35AM 18 would the effects wear off before your shift ended?

10:35AM 19 A. Yes.

10:35AM 20 Q. Would you need to continue using to continue functioning
10:35AM 21 there?

10:35AM 22 A. Yes.

10:35AM 23 Q. All right. We're going to move on now from cocaine to
10:35AM 24 opiates. You said it started out with Lortab; is that
10:35AM 25 correct?

10:35AM 1 A. Yes.

10:35AM 2 Q. What's the feeling like the first few times that you use

10:35AM 3 a Lortab?

10:35AM 4 A. Relaxed. Same euphoric feeling, just maybe slightly

10:35AM 5 different. You don't feel stimulated, you feel more, like, I

10:35AM 6 don't know. Like, calm, I guess.

10:35AM 7 Q. Okay. Is -- is a Lortab a stimulant like cocaine?

10:35AM 8 A. No.

10:35AM 9 Q. Okay. If I used the term "opiate" kind of

10:36AM 10 interchangeably, do you understand what I mean by that?

10:36AM 11 A. Yes.

10:36AM 12 Q. Okay. When you used opiates, do they have a physical

10:36AM 13 addiction that takes hold in you?

10:36AM 14 A. Yes.

10:36AM 15 Q. What's that -- what's that like? How's that happen?

10:36AM 16 A. The physical addiction?

10:36AM 17 Q. Yeah.

10:36AM 18 A. Are you asking me what I felt like when I didn't have it?

10:36AM 19 Q. Yeah. Like, what -- how do you become addicted to an

10:36AM 20 opiate? Yeah, what's it like?

10:36AM 21 A. I don't know. All's I know is I started taking pills,

10:36AM 22 and just like the cocaine, I built a tolerance, so I would

10:36AM 23 continue to take more and more.

10:36AM 24 And there would come a day where I didn't have it, and I

10:36AM 25 didn't realize that you would experience the withdrawal that

10:36AM 1 you did and that I did. So, when I didn't have the pill, I
10:36AM 2 went through, like, extreme withdrawal like the sweats,
10:36AM 3 shakes, you know, throwing up, like I had the flu.

10:36AM 4 Q. Now, if you have those withdrawal symptoms going on,
10:36AM 5 vomiting, shaking, sweating, are you able to work and dance
10:36AM 6 at Pharaoh's?

10:37AM 7 A. No.

10:37AM 8 Q. About how much money did a Lortab pill cost back then, do
10:37AM 9 you remember?

10:37AM 10 A. I think \$10.

10:37AM 11 Q. Okay. And are you using one pill a day at that time?

10:37AM 12 A. No.

10:37AM 13 Q. Can you describe for the jury as it progresses, how many
10:37AM 14 pills do you start using per day?

10:37AM 15 A. Maybe about -- I was up to, like, ten. So the habit was
10:37AM 16 anywhere from 100 to \$150 a day.

10:37AM 17 Q. And that's just the Lortabs; is that right?

10:37AM 18 A. Correct.

10:37AM 19 Q. In addition to the Lortabs, were you a daily cocaine
10:37AM 20 user?

10:37AM 21 A. Yes.

10:37AM 22 Q. Was cocaine expensive as well?

10:37AM 23 A. Yes.

10:37AM 24 Q. Do you remember how much you had to pay, what amounts
10:37AM 25 were you buying cocaine in?

10:37AM 1 A. Like, an 8 Ball at a time.

10:37AM 2 Q. Okay. And--

10:37AM 3 A. So it was like \$200 maybe.

10:37AM 4 Q. Okay. And would you use that over the course of a day?

10:37AM 5 A. Yes.

10:37AM 6 Q. Okay. So would it be fair to say you're spending 200

10:37AM 7 bucks a day on cocaine?

10:37AM 8 A. Yes.

10:37AM 9 Q. And you're spending about 100 bucks a day on Lortabs?

10:37AM 10 A. Yeah, maybe more.

10:37AM 11 Q. Maybe more?

10:37AM 12 A. Yeah.

10:37AM 13 Q. So as a conservative estimate, about \$300 a day to feed

10:38AM 14 the drug habit?

10:38AM 15 A. Yeah. Yes.

10:38AM 16 Q. If that occurs over seven days times 300, is that about

10:38AM 17 2,000 or \$2,100?

10:38AM 18 A. Yeah.

10:38AM 19 Q. Is that about the same amount of money as you were making

10:38AM 20 every week showing up to work?

10:38AM 21 A. Yes.

10:38AM 22 Q. You described for the jury before we did any math that

10:38AM 23 you felt like you were spending all your money on drugs; is

10:38AM 24 that right?

10:38AM 25 A. Yes.

10:38AM 1 Q. Earlier in the direct examination, you said it's --
10:38AM 2 opiate use started with Lortabs and eventually became heroin;
10:38AM 3 is that correct?
10:38AM 4 A. Yes.
10:38AM 5 Q. Where did you get heroin for the first time?
10:38AM 6 A. Some girl that I -- I think she was dancing at Pharaoh's
10:38AM 7 or maybe I ran into her, but I worked with her at Rick's
10:38AM 8 Tally-Ho. And she -- we were hanging out with her, K.L. and
10:38AM 9 I were hanging out with her one night, and she had heroin on
10:39AM 10 her.
10:39AM 11 Q. Did you use it?
10:39AM 12 A. Yes.
10:39AM 13 Q. Is that a similar opiate effect on your body to -- to the
10:39AM 14 Lortabs?
10:39AM 15 A. A little bit different. It's more instantaneous, like,
10:39AM 16 the effect happens immediately.
10:39AM 17 Q. Okay. Was heroin addictive?
10:39AM 18 A. Very.
10:39AM 19 Q. Did you continue using heroin?
10:39AM 20 A. Yes.
10:39AM 21 Q. Did that spiral and get worse?
10:39AM 22 A. Yes.
10:39AM 23 Q. Before you worked at Pharaoh's Gentlemen's Club, had you
10:39AM 24 ever in your life exchanged sex, vaginal intercourse, in
10:40AM 25 exchange for money or drugs?

10:40AM

1 A. No.

10:40AM

2 Q. Is that something you ever thought you'd do before you

10:40AM

3 worked at Pharaoh's?

10:40AM

4 A. No.

10:40AM

5 Q. Was that in your life plan?

10:40AM

6 A. No.

10:40AM

7 Q. Did there come a time when that happened?

10:40AM

8 A. Yes.

10:40AM

9 Q. Can you describe for the jury how that played out?

10:40AM

10 A. Yes. We, K.L. and myself, were -- went upstairs to

10:40AM

11 party, hang out, whatever. There was a couple of guys up

10:40AM

12 there. And -- not exactly sure how it came up, but one of

10:41AM

13 the guys was a little bit younger. And Peter asked me if I

10:41AM

14 would hook up with him, and he would, like, take care of me

10:41AM

15 or whatever. And then I had sex with the guy. When I was

10:41AM

16 done having sex with the guy, Peter gave me, like, 200 bucks.

10:41AM

17 Q. Okay. I want to break that down a little bit more.

10:41AM

18 When you went upstairs with K.L., was Peter up there?

10:41AM

19 A. Yes.

10:41AM

20 Q. Was -- were there other men up there?

10:41AM

21 A. Yes.

10:41AM

22 Q. Do you remember if there were other dancers other than

10:41AM

23 you and K.L. up there?

10:41AM

24 A. No, I don't remember.

10:41AM

25 Q. Okay. Were you using drugs?

10:41AM 1 A. Yes.

10:41AM 2 Q. Were you using cocaine?

10:41AM 3 A. Yes.

10:41AM 4 Q. Who provided the cocaine that you used upstairs?

10:41AM 5 A. That, I don't remember that specific time. I think it

10:41AM 6 was Peter.

10:41AM 7 Q. Okay.

10:41AM 8 A. I don't remember.

10:41AM 9 Q. Well, who controlled access to the upstairs area?

10:41AM 10 A. Peter.

10:41AM 11 Q. And I'm not giving you a hard time.

10:42AM 12 A. Yeah.

10:42AM 13 Q. This time that we're talking about, now, when you go

10:42AM 14 upstairs, what you just described, were you heavily addicted

10:42AM 15 to cocaine?

10:42AM 16 A. Yes.

10:42AM 17 Q. Were you heavily addicted to opiates?

10:42AM 18 A. Yes.

10:42AM 19 Q. All those things that you just described for the jury

10:42AM 20 over the course of the last 20 minutes about effects of that

10:42AM 21 addiction and how it -- how it impacted you physically and

10:42AM 22 mentally, were those things actively happening for you at

10:42AM 23 that time?

10:42AM 24 A. Yes.

10:42AM 25 Q. You described how you looked, strung out. That you were

1 20 pounds lighter than you are today; is that correct?

2 A. Yes.

3 Q. Was that obvious and apparent on your body that you were
4 strung out on drugs?

5 **MR. SOEHNLEIN:** Objection, calls for speculation.

6 **THE COURT:** Yeah, sustained.

7 **BY MR. COOPER:**

8 Q. Have you seen other people that look strung out on drugs?

9 A. Yes.

10 Q. Okay. Is that something that you as a layperson, just a
11 normal person living in the world, can observe based with
12 your common sense and your eyes?

13 A. Yes.

14 Q. Did you have those physical signs on your body?

15 A. Yes. I was 114 pounds. I had bags under my eyes. And
16 even with all the pounds of makeup on, I looked terrible.
17 Period.

18 Q. You described that you had become close with K.L.; is
19 that correct?

20 A. Yes.

21 Q. You used drugs with her frequently?

22 A. Yes.

23 Q. Did you engage socially and party and use drugs with this
24 defendant?

25 A. Yes.

10:43AM 1 Q. When you went upstairs, was it your plan to have sex with
10:43AM 2 someone upstairs?
10:43AM 3 A. No.
10:43AM 4 Q. Was that on your mind?
10:43AM 5 A. No.
10:43AM 6 Q. Were you driven to go upstairs because you were -- and
10:43AM 7 I'm not trying to embarrass you -- but because you were,
10:43AM 8 like, looking to go have sex? Is that what was going on in
10:43AM 9 your head?
10:43AM 10 A. No, I was looking for drugs.
10:43AM 11 Q. You were looking for what?
10:43AM 12 A. Drugs.
10:43AM 13 Q. Okay. Did you get drugs upstairs?
10:44AM 14 A. Yes.
10:44AM 15 Q. Who provided the drugs upstairs?
10:44AM 16 A. Peter, I guess.
10:44AM 17 Q. After you used drugs upstairs, how did -- how did this
10:44AM 18 conversation start? Who brought up sex?
10:44AM 19 A. Be mindful, this was a long time ago. I know Peter asked
10:44AM 20 me if I would, like, take -- take care of his friend.
10:44AM 21 Q. Okay.
10:44AM 22 A. A buddy of his.
10:44AM 23 Q. What did you interpret that to mean?
10:44AM 24 A. Hook up with him, like, have sexual intercourse.
10:44AM 25 Q. Okay. Had you ever met his friend before in your life?

10:44AM 1 A. No.

10:44AM 2 Q. Did the defendant offer you something in exchange for

10:44AM 3 having sex with his friend?

10:44AM 4 A. Just said he would take care of me.

10:44AM 5 Q. What did you interpret that to mean?

10:44AM 6 A. Money or drugs.

10:45AM 7 Q. Were there any other ways to take care of you that you

10:45AM 8 know of?

10:45AM 9 A. No.

10:45AM 10 Q. Did you ultimately receive money?

10:45AM 11 A. Yes.

10:45AM 12 Q. Who gave you money?

10:45AM 13 A. Peter handed it to me when I was done, or when we came

10:45AM 14 out of the bathroom.

10:45AM 15 Q. Did you end up having sex with the young man in the

10:45AM 16 bathroom?

10:45AM 17 A. Yes.

10:45AM 18 Q. About how old was that person based on what you saw?

10:45AM 19 A. Like, my age.

10:45AM 20 Q. Okay. And this was 2009, this would have been sometime

10:45AM 21 around age 24 for you; is that right?

10:45AM 22 A. Yeah.

10:45AM 23 Q. The \$200 that you got in exchange for having sex with

10:46AM 24 that person, what'd you spend it on?

10:46AM 25 A. I don't specifically remember now, but my guess is more

1 cocaine.

2 Q. Okay. Were you using money to buy anything else at that
3 time in your life?

4 A. No. I wasn't paying my bills, and I wasn't paying for
5 anything else, no.

6 Q. Based on the time that you had spent around the defendant
7 leading up to that night in the upstairs, did he know you
8 were a drug addict?

9 **MR. SOEHNLEIN:** Objection, speculation.

10 **THE COURT:** Yeah, sustained. You can lay more
11 foundation, Mr. Cooper.

12 **MR. COOPER:** Okay.

13 **BY MR. COOPER:**

14 Q. Did he see you use drugs every time he was with you?

15 A. Yes.

16 Q. All those things about your physical appearance that you
17 described a moment ago, did all of those things exist when
18 you were hanging out with him?

19 A. Yes.

20 Q. Was he in an intimate relationship with K.L.?

21 A. Yes.

22 Q. Was she the person that you used drugs with the most?

23 A. Yes.

24 Q. Was K.L. a drug addict?

25 A. Yes.

10:47AM 1 Q. I'm not asking you to qualify what she is, but based on
10:47AM 2 your observations, was she a daily user of cocaine?
10:47AM 3 A. Yes.
10:47AM 4 Q. Was she a daily user of opiates?
10:47AM 5 A. Yes.
10:47AM 6 Q. Were you all of those things as well?
10:47AM 7 A. Yes.
10:47AM 8 Q. In 2006 when you started working at Pharaoh's, your first
10:47AM 9 day there, your first week there, if this defendant had
10:47AM 10 brought up upstairs and said I want you to go have sex with
10:47AM 11 my friend and I'll take care of you, would you have done it?
10:48AM 12 A. No.
10:48AM 13 Q. Why not?
10:48AM 14 A. Because I didn't really -- I didn't need money then.
10:48AM 15 That wasn't really -- I didn't do that, so, no, I wouldn't
10:48AM 16 have done that.
10:48AM 17 Q. Are you sure about that?
10:48AM 18 A. Sure.
10:48AM 19 Q. Is this stuff comfortable to talk about?
10:48AM 20 A. No, it's not comfortable.
10:48AM 21 Q. Have you ever discussed having sex with a person for
10:48AM 22 money upstairs at Pharaoh's publicly like this before?
10:48AM 23 A. No, I haven't.
10:48AM 24 Q. Just a few more questions on that topic, and we'll move
10:48AM 25 on. That day when you went upstairs, who asked you to go

10:48AM 1 upstairs? Were you summoned? How did you get up there?

10:48AM 2 A. I don't know, I think I just followed K.L. up there, I'm
10:48AM 3 not sure.

10:48AM 4 Q. All right. I want to go into the moment where the
10:49AM 5 defendant says to you, I want you to hook up with my friend
10:49AM 6 or take care of my friend or whatever he says.

10:49AM 7 In that moment, did you need the job that you had at
10:49AM 8 Pharaoh's?

10:49AM 9 A. Yes.

10:49AM 10 Q. Was that your way of earning money?

10:49AM 11 A. Yes.

10:49AM 12 Q. Was the money that you earned there money that you spent
10:49AM 13 to feed the drug addiction?

10:49AM 14 A. Yes.

10:49AM 15 Q. Was the defendant your boss at that time?

10:49AM 16 A. Yes.

10:49AM 17 Q. Were you standing inside of his club?

10:49AM 18 A. Yes.

10:49AM 19 Q. Were you inside of his private little fiefdom upstairs?

10:49AM 20 A. Yes.

10:49AM 21 Q. After you had sex with the man in the bathroom, did you
10:49AM 22 guys talk?

10:49AM 23 A. The guy?

10:49AM 24 Q. Yeah, the guy.

10:49AM 25 A. I don't know.

10:49AM 1 Q. Did you have anything to talk with him about?

10:49AM 2 A. No.

10:49AM 3 Q. Was there anybody else around when that happened inside

10:50AM 4 the bathroom?

10:50AM 5 A. No, not that I can recall, no.

10:50AM 6 Q. Were there other people outside the bathroom in the

10:50AM 7 upstairs area?

10:50AM 8 A. Yeah.

10:50AM 9 Q. Was that a new bottom for you?

10:50AM 10 A. Yes, I would say so.

10:50AM 11 Q. Can you describe -- I imagine this is personal stuff to

10:50AM 12 talk about, but can you describe for the jury, like,

10:50AM 13 emotionally mentally how you felt after that happened in the

10:50AM 14 bathroom upstairs?

10:50AM 15 A. So, I didn't feel anything in particular when it was over

10:50AM 16 with. I mean, I was high on drugs, so you don't really feel

10:50AM 17 anything. But I know when I started to come off or come down

10:51AM 18 from drugs, I started to reflect on that and other -- the

10:51AM 19 dancing and other situations, and it's depressing. It makes

10:51AM 20 you feel very depressed.

10:51AM 21 Q. Did you feel dirty about what had happened?

10:51AM 22 A. Yes, very disgusted.

10:51AM 23 Q. I want to switch gears for a second.

10:51AM 24 I want to talk about the VIP Room at Pharaoh's, okay?

10:51AM 25 A. Okay.

10:51AM 1 Q. Earlier we talked about lap dances that happen in the VIP
10:51AM 2 Room and the Champagne Room; do you remember that?
10:51AM 3 A. Yes.
10:51AM 4 Q. Now, what was the difference between a customer going to
10:51AM 5 the VIP Room and a customer going into that more private
10:51AM 6 Champagne Room? What -- how'd that happen?
10:51AM 7 A. Spending more money.
10:51AM 8 Q. Okay. Did it cost more to go into the Champagne Room?
10:51AM 9 A. Yes.
10:51AM 10 Q. If a customer wanted to buy multiple private dances at
10:52AM 11 once, were they able to do that?
10:52AM 12 A. Yes.
10:52AM 13 Q. And would you then as the dancer get multiple chips?
10:52AM 14 A. Yes.
10:52AM 15 Q. Each time a dance happens in the back at Pharaoh's, does
10:52AM 16 the club make money?
10:52AM 17 A. Yes.
10:52AM 18 Q. Does this defendant own the club?
10:52AM 19 A. Yes.
10:52AM 20 Q. Did you as a dancer working there have a financial motive
10:52AM 21 to do more dances in the back?
10:52AM 22 A. Excuse me. Yes.
10:52AM 23 Q. Would that earn you more money?
10:52AM 24 A. Yes.
10:52AM 25 Q. Would that also earn the defendant more money?

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1 A. Yeah.

2 Q. What was supposed to happen in the VIP Room? What was

3 allowed technically by the rules?

4 A. I mean, they were contact lap dances, meaning you could

5 sit right on the client's lap. But the customers were

6 supposed to keep their hands to themselves. And you had to

7 wear pasties and bottoms. And I guess, you would dance on

8 'em.

9 Q. Okay. Now, you mentioned that the customers were

10 supposed to keep their hands to themselves; is that right?

11 A. Right.

12 Q. And you as the dancer were supposed to wear pasties; is

13 that right?

14 A. Right.

15 Q. And you were supposed to keep your bottoms on; is that

16 right?

17 A. Yes.

18 Q. Was there a person or people who worked at Pharaoh's

19 whose job it was supposedly to enforce those rules?

20 A. Yeah, the doorman for the VIP.

21 Q. Okay. If I say "VIP attendant," will you know what I'm

22 talking about?

23 A. Yes.

24 Q. Were there times in that area when customers would engage

25 in conduct that went beyond what you just described was

10:53AM 1 supposed to happen?

10:53AM 2 A. Yes, sometimes customers would get handsy.

10:53AM 3 Q. I'm going to ask some more personal questions to you.

10:53AM 4 Did you go in the back and do those private dances?

10:53AM 5 A. Yes.

10:53AM 6 Q. Were there times when customers tried to move your

10:53AM 7 bottoms and touch your bare vagina?

10:53AM 8 A. Yes.

10:53AM 9 Q. Were there times when customers tried to kiss you or kiss

10:53AM 10 parts of your body?

10:53AM 11 A. Yes.

10:53AM 12 Q. Were there times when customers touched other private

10:54AM 13 areas on your body like your buttocks or your breasts?

10:54AM 14 A. Yes.

10:54AM 15 Q. Okay. Did those things happen to you once or more than

10:54AM 16 once?

10:54AM 17 A. More than once.

10:54AM 18 Q. Okay. Were you the only dancer that you saw those things

10:54AM 19 happen to?

10:54AM 20 A. No.

10:54AM 21 Q. Every time those things happened to you, did the VIP

10:54AM 22 attendant come running in and say, hey, get your hands off

10:54AM 23 G.R.'s vagina?

10:54AM 24 A. Yeah, for the most part he would.

10:54AM 25 Q. Were there times when that didn't happen?

10:54AM 1 A. Yeah. If he was, like, busy because there's cameras back
10:54AM 2 there.

10:54AM 3 Q. Got it. I want to ask you about something else you
10:54AM 4 observed in that VIP area.

10:54AM 5 Did you observe a dancer having sex, sexual intercourse
10:54AM 6 with a customer in the VIP or Champagne area?

10:54AM 7 A. Yes.

10:54AM 8 Q. Can you describe that for the jury?

10:54AM 9 A. Her -- this dancer and myself, I don't really remember
10:54AM 10 her name, we were both in the back Champagne Room. I was
10:55AM 11 with some guy, and she was with some guy. And the guy she
10:55AM 12 was with had money, but she had sex with him in the VIP Room.

10:55AM 13 Q. Did you see that happen with your eyes?

10:55AM 14 A. Yes.

10:55AM 15 Q. Okay. Now, sex, it doesn't happen in one second, right?

10:55AM 16 A. Right.

10:55AM 17 Q. Okay. And the sex happened in front of you, right?

10:55AM 18 A. Yes.

10:55AM 19 Q. Did it finish to completion? Did you see that act occur?

10:55AM 20 A. I think so, yeah.

10:55AM 21 Q. It wasn't stopped; is that fair to say?

10:55AM 22 A. Right. Yes.

10:55AM 23 Sorry. If I could add, they're -- in the Champagne
10:55AM 24 Rooms, there are blind spots.

10:55AM 25 Q. Tell them about that.

10:55AM 1 A. So there are spots that maybe the cameras can't see.

10:55AM 2 Q. Do dancers know about that?

10:55AM 3 A. Yes, I'd imagine so. I did, so yeah.

10:55AM 4 Q. When dancers finish their shift at the end of the night,
10:55AM 5 are they required to tip out male employees that work at the
10:56AM 6 club?

10:56AM 7 A. Just the DJ and the VIP guy.

10:56AM 8 Q. Okay. So that's -- the VIP guy, that's who we've been
10:56AM 9 talking about that's supposed to be watching those cameras,
10:56AM 10 right?

10:56AM 11 A. Yes.

10:56AM 12 Q. Do dancers tip that person at the end of the night?

10:56AM 13 A. Yeah.

10:56AM 14 Q. Do you know if customers ever tip that person separate
10:56AM 15 from the dancer?

10:56AM 16 A. I don't know about that, no.

10:56AM 17 Q. Okay. You haven't seen that happen?

10:56AM 18 A. No. Not that I can recall.

10:56AM 19 Q. Now, the time that you're in that back Champagne Room and
10:56AM 20 you see this other dancer, did you say her name? I think you
10:56AM 21 said Joy?

10:56AM 22 A. Yeah, I think that was her name.

10:56AM 23 Q. You're in this Champagne area with Joy, and you see them
10:56AM 24 having sex in the VIP area. Do you remember the customer
10:56AM 25 that you were with?

10:56AM 1 A. Yes.

10:56AM 2 Q. What sticks out to you about that incident, that

10:56AM 3 customer?

10:56AM 4 A. He -- well, I've got to say it because we're on the

10:57AM 5 record here. He masturbated and finished --

10:57AM 6 Q. Okay.

10:57AM 7 A. -- in the back room.

10:57AM 8 Q. Is that what was supposed to happen in a lap dance?

10:57AM 9 A. No.

10:57AM 10 Q. Anybody run back there and throw him out of the club?

10:57AM 11 A. No.

10:57AM 12 Q. Did he pay you money to go back there with you?

10:57AM 13 A. Yes.

10:57AM 14 Q. Did some of that money go to the club?

10:57AM 15 A. Yes.

10:57AM 16 Q. Did this defendant own the club?

10:57AM 17 A. Yes.

10:57AM 18 Q. Was that a pleasant experience for you?

10:57AM 19 A. No.

10:57AM 20 Q. Okay. Did you see some people at Pharaoh's get special

10:57AM 21 treatment?

10:57AM 22 A. What do you mean by that?

10:57AM 23 Q. Let me ask you this question. Did you see people come

10:57AM 24 into Pharaoh's that you knew to be friends with the

10:58AM 25 defendant?

10:58AM 1 A. Yeah. They, yes. I think you're referring to, like,
10:58AM 2 when they'd get, like, sections of the club, like, roped off
10:58AM 3 or whatever.
10:58AM 4 Q. Is that something you saw happen?
10:58AM 5 A. Yeah.
10:58AM 6 Q. Would you see people that you believed to be, like,
10:58AM 7 people in the legal world, attorneys, judges, that came into
10:58AM 8 Pharaoh's?
10:58AM 9 A. Yes, I believed them to be. Yes.
10:58AM 10 Q. Okay. During that summer of 2009 when you were heavily
10:58AM 11 addicted to cocaine and opiates, did there cause -- did
10:58AM 12 something happen or did someone say something that caused you
10:58AM 13 to feel like you couldn't get in trouble for it?
10:58AM 14 A. Yes. Maybe one time, when K.L. and I were partying with
10:58AM 15 Peter, it was my understanding, if I recall, Peter said he
10:58AM 16 had a friend that was, like, the head of narcotics or
10:58AM 17 something, I don't know. I believe that's -- it was the head
10:59AM 18 of narcotics in Buffalo.
10:59AM 19 Q. Okay. Is that something that this defendant said in
10:59AM 20 front of you that you heard with your ears?
10:59AM 21 A. Yes.
10:59AM 22 Q. Okay. Did that cause you to feel, like, hey, we're
10:59AM 23 invincible, we can't be touched?
10:59AM 24 A. Yes.
10:59AM 25 Q. Okay. Do you know as you sit here whether it was true or

1 not?

2 A. I actually still don't know if it's true or not. I don't
3 know.

4 Q. Okay. Did it cause you to view this defendant as
5 somebody you believed to be connected to important people?

6 A. Yeah.

7 Q. Did it cause you to view this defendant as somebody you
8 believed to be connected to someone who's the head of
9 narcotics in law enforcement?

10 A. Yes.

11 Q. Did you believe it at the time when he said it?

12 A. Yes, I did believe it at the time.

13 **MR. COOPER:** Judge, are we going to take a morning
14 break? This might be a good time for me, if you want to keep
15 going.

16 **THE COURT:** Yeah, I'd like to keep going.

17 **MR. COOPER:** Got it.

18 **THE COURT:** We've only been going a little over an
19 hour, I'd like to keep going a little more.

20 **MR. COOPER:** You good?

21 **THE WITNESS:** I'm good.

22 **MR. COOPER:** Okay.

23 **BY MR. COOPER:**

24 Q. I want to move on now. We've talked quite a bit about
25 K.L.. was there a time when you received a phone call from

11:00AM 1 this defendant regarding K.L.'s health and wellness?

11:00AM 2 A. Yes.

11:00AM 3 Q. What was going on? Tell them.

11:00AM 4 A. So K.L. had epilepsy or something. When we would do

11:00AM 5 cocaine together, sometimes she would have seizures.

11:00AM 6 I got a call from Peter that was, like, early-morning

11:00AM 7 hours, like, I mean the sun was coming up. And K.L. had had

11:00AM 8 a seizure. And he asked me if I could come get her from the

11:00AM 9 hotel they were at.

11:00AM 10 Q. While she was having a seizure?

11:00AM 11 A. She just had one.

11:00AM 12 Q. Okay.

11:00AM 13 A. So he asked me if I could come get her.

11:00AM 14 Q. Got it. Were you a doctor?

11:00AM 15 A. No.

11:00AM 16 Q. Were you a nurse?

11:01AM 17 A. No, I'm not a nurse.

11:01AM 18 Q. Did you work for an ambulance company?

11:01AM 19 A. No, I did not.

11:01AM 20 Q. Did he tell you, hey, I just called 911, can you just

11:01AM 21 come sit with K.L. for a bit?

11:01AM 22 A. No, he didn't say that.

11:01AM 23 Q. Did you show up?

11:01AM 24 A. Yes.

11:01AM 25 Q. What'd you see when you showed up?

1 A. Went into the hotel room. The hotel room was a little
2 messy. There was another girl there. They had all been
3 partying all night, another dancer from Pharaoh's. And K.L.
4 was, like, sort of out of it, which you are when you just
5 have, like, one of those seizures. You're, like, kind of
6 lethargic and not really knowing where you are.

7 Q. Was there an ambulance there when you got there?

8 A. No.

9 Q. What did Peter say to you when you arrived?

10 A. He just wanted me to take her. I don't really recall
11 exactly what he said to me. But he wanted me to take her
12 home. Because they were, they'd been partying all night in
13 the hotel room.

14 Q. Did you go into the hotel room?

15 A. Yes.

16 Q. Did you see signs of drug use?

17 A. I didn't see signs of drug use, but I saw the room was
18 messy and used. I don't know how else to say it.

19 Q. Okay. Did there come a time after the events that we've
20 described so far for the jury when you got arrested with
21 K.L.?

22 A. Yes.

23 Q. Okay. Can you describe that night to the best of your
24 recollection for the jury?

25 A. Yes, I remember we worked that night, or I had worked,

1 K.L. didn't really work a lot at the club, but we went out
2 together afterwards. And I believe we were downtown, I can't
3 recall. We met these two college kids, and they said there
4 was, like, a party going on somewhere. So we hopped in my
5 car, and were going to this party off U.B. campus. We were
6 in Amherst at this point because it's -- it's north campus
7 area. We stopped at a convenience store. K.L. and I are
8 high on cocaine, both acting crazy, I'd imagine if you saw us
9 in the store you probably think we were high.

10 The store clerk called the police on K.L. because of the
11 way she was acting, weird or shady, I don't know. And the
12 police pulled us over, the Amherst police.

13 Q. Okay. When you got pulled over, did you get placed under
14 arrest?

15 A. Yes.

16 Q. Were you brought back to a police station?

17 A. Yes.

18 Q. Was K.L. also arrested?

19 A. Yeah, she was arrested also.

20 Q. Did somebody come to ask you questions while you were
21 there?

22 A. Yes. Eventually, it was a detective and then an FBI
23 agent.

24 Q. Okay. Did you speak with them?

25 A. Yes, I did.

11:04AM 1 Q. Did you answer their questions?

11:04AM 2 A. Yes.

11:04AM 3 Q. Was this back in 2009 as well?

11:04AM 4 A. Yes.

11:04AM 5 Q. Got it. And so when you spoke with these agents or

11:04AM 6 officers, whatever, back in 2009, were you hoping in your

11:04AM 7 head, like, hey, maybe this will help me get out of trouble?

11:04AM 8 A. Yeah, so I think it's important to mention I was on

11:04AM 9 felony probation still from that DWI that I received when I

11:04AM 10 was 19, the second and third. So I was already under

11:04AM 11 supervision by the law. So I didn't want to get in trouble,

11:04AM 12 or I wanted to do whatever I could to not get in trouble, I

11:04AM 13 guess, would be the word to use or the way to say it. So I

11:04AM 14 was willing to answer their questions.

11:05AM 15 Q. Were you hoping by answering their questions that it

11:05AM 16 would give you some benefit for the trouble you just got in?

11:05AM 17 A. Yes, I was hoping that I wouldn't get violated through

11:05AM 18 probation, and maybe I wouldn't get charged with what they

11:05AM 19 charged me with, which was possession of drugs and a few

11:05AM 20 other things.

11:05AM 21 Q. Now, did those hopes -- did they actually pan out?

11:05AM 22 A. No. They didn't. I ended up getting in trouble. And I

11:05AM 23 ended up paying a lawyer \$5,000, and I had to write my

11:05AM 24 probation officer a heartfelt letter, and pretty much begged

11:05AM 25 him to let me take the drug court program in Amherst. That's

11:05AM 1 what happened.

11:05AM 2 Q. Did you get the drug court program?

11:06AM 3 A. Yes.

11:06AM 4 Q. Now we're talking about 2009, right?

11:06AM 5 A. Yes.

11:06AM 6 Q. Were you able to stay sober after that period of time?

11:06AM 7 A. Well, I was in drug court. Just like when I got out of

11:06AM 8 rehab the first time, I had a couple of slipups, you'd call

11:06AM 9 them. I wasn't really invested in any kind of program of

11:06AM 10 recovery. And yes, for the most part, I was on Suboxone, so

11:06AM 11 maybe like a harm-reduction type program. And I finished the

11:06AM 12 drug court program successfully.

11:06AM 13 Q. Did there come a time after that when you got in trouble

11:06AM 14 again?

11:06AM 15 A. Yeah. So, after I got off drug court, I got off Suboxone

11:06AM 16 and I ended up relapsing on heroin.

11:06AM 17 Q. Approximately when was that? What year?

11:06AM 18 A. I think 2011.

11:07AM 19 Q. Did you go back to court?

11:07AM 20 A. Not right away. There was a few months in there that I

11:07AM 21 was using heavily again. And then I end up getting arrested

11:07AM 22 in January of 2012. I get arrested again.

11:07AM 23 Q. Okay. And at that time, in January of 2012, did you

11:07AM 24 get -- did you get clean at that point?

11:07AM 25 A. Yes, I did.

11:07AM 1 Q. Okay.

11:07AM 2 A. I spent 17 days in jail. I went through all my
11:07AM 3 withdrawal in jail. I did sort of like a door-to-door
11:07AM 4 placement. I went home for two days, packed clothes, and
11:07AM 5 went to Clearview rehab.

11:07AM 6 And then I got out and I had, I signed up for -- well,
11:07AM 7 that's what the lawyer got me, drug court, Buffalo city drug
11:07AM 8 court, and I was in the DUI program I think Fiorella, that
11:07AM 9 Judge Fiorella ran.

11:07AM 10 Q. Did you ultimately stay sober that time?

11:08AM 11 A. Yes, it's where I began this almost 13 years of sobriety.

11:08AM 12 Q. Now, are you working?

11:08AM 13 A. I am.

11:08AM 14 Q. What kind of work do you do?

11:08AM 15 A. I am a server.

11:08AM 16 Q. Do you pay your bills?

11:08AM 17 A. I do.

11:08AM 18 Q. Do you take care of your kid?

11:08AM 19 A. I do.

11:08AM 20 Q. Has anybody offered you any benefit in exchange for
11:08AM 21 coming in here and telling these people what you told them
11:08AM 22 today?

11:08AM 23 A. No.

11:08AM 24 Q. Has it been a pleasant experience for you?

11:08AM 25 A. No, because it's taken time away from my son and work,

1 and, you know, other duties that I would do during the day
2 while he's at school, so, no.

3 Q. Did you make any of this up because you felt like being
4 in that chair?

5 A. No.

6 Q. When you didn't remember, did you say you didn't
7 remember?

8 A. Yes.

9 Q. Do you have any strong feelings of hate towards this
10 defendant?

11 A. No.

12 **MR. COOPER:** Can I just have one moment, Judge?

13 **THE COURT:** Sure.

14 **BY MR. COOPER:**

15 Q. We're getting there, okay?

16 A. Yeah, that's okay.

17 Q. Just a few more questions to kind of hit some details
18 that I might have skipped or missed.

19 Going back to the upstairs when you have sex with that
20 man in the bathroom. When the defendant gave you cocaine and
21 money to have sex with his friend in the bathroom, were you
22 aware of the defendant's reputation in the community or his
23 family's reputation in the community?

24 **MR. SOEHNLEIN:** Objection, Your Honor.

25 **THE COURT:** Was she aware? No, overruled.

11:10AM 1 **THE WITNESS:** Which, Peter's?

11:10AM 2 **BY MR. COOPER:**

11:10AM 3 Q. Peter's, or Peter's family, did you know about any
11:10AM 4 reputation that they had in the community?

11:10AM 5 A. No. I mean, there was, like, speculation or maybe like
11:10AM 6 other dancers talked about, like --

11:10AM 7 **THE COURT:** Hold on.

11:10AM 8 **MR. COOPER:** So, hold on. I don't want you to get --
11:10AM 9 I'll follow up.

11:10AM 10 **THE COURT:** Okay. I just want her to stop.

11:10AM 11 **MR. COOPER:** Absolutely.

11:10AM 12 **BY MR. COOPER:**

11:10AM 13 Q. So, I'm going to ask some really specific questions, and
11:11AM 14 I just want you to give really specific answers. There's
11:11AM 15 nothing wrong that you did, okay?

11:11AM 16 A. Okay.

11:11AM 17 Q. You mentioned that you were aware of some -- what you
11:11AM 18 called speculation; is that right?

11:11AM 19 A. Yeah.

11:11AM 20 Q. Okay. Without getting into who said what to you, I want
11:11AM 21 to know what was in your mind. What were you -- what was the
11:11AM 22 speculation that you were aware of?

11:11AM 23 **MR. SOEHNLEIN:** Objection.

11:11AM 24 **THE COURT:** Sustained.

11:11AM 25 **MR. COOPER:** Judge, can we come up on it?

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THE COURT: Sure.

(Sidebar discussion held on the record.)

MR. COOPER: I'm just going to wait for --

THE COURT: Go ahead.

MR. COOPER: So the reason that I'm asking to come up on this is because I think I'm not offering this as reputation evidence, I'm offering it as state of mind. So the question has been premised as at the time that you went upstairs and this directive or opportunity or whatever is posed to you, to have sex with this man, what does she know about this defendant.

I have to prove coercion in this case. So, if she uses the word speculation as a layperson, I don't care how she qualifies it. I'm trying to get at what's in her head, which is relevant.

THE COURT: You can't ask what speculation is. You can ask her what she thought about his family's position in the community, you can ask that.

MR. COOPER: Okay. So what she believed.

THE COURT: You can't ask speculation what she.

(Simultaneous talking.)

MR. COOPER: I'll fix the form of the question, I missed that.

THE COURT: You can object.

MR. SOEHNLEIN: And I'm still going to, on a 403

basis, because there's --

THE COURT: It's going to depend on how the questions are asked and, you know, and I'll consider it.

Go ahead, finish.

MR. SOEHNLEIN: No, it sounds like you're going to go question by question --

THE COURT: Yes.

MR. SOEHNLEIN: -- regardless, so maybe we just handle it question by question.

MR. COOPER: Okay.

(End of sidebar discussion.)

BY MR. COOPER:

Q. All right. So, we're going to proceed again with me asking really specific questions. And just be careful to only answer exactly what I'm asking you; is that fair?

A. Fair.

Q. Okay. Without getting into what anybody said, had you heard other people talk about the defendant or his family's reputation in the community?

MR. SOEHNLEIN: Objection, Your Honor.

THE WITNESS: Yes.

THE COURT: No, has she heard. No, overruled.

MR. COOPER: What was the answer?

(The above-requested testimony was then read by the reporter.)

25 **MR. SOEHNLEIN:** Objection.

11:15AM 1 **THE COURT:** Did she become aware. No, overruled.

11:15AM 2 **BY MR. COOPER:**

11:15AM 3 Q. While you were working at Pharaoh's?

11:15AM 4 A. Yes.

11:15AM 5 Q. Okay. This is actually a good segue here.

11:15AM 6 After the arrest by the Amherst Police Department, were
11:15AM 7 you able to continue working at Pharaoh's for a while after
11:15AM 8 that?

11:15AM 9 A. Brief period of time.

11:15AM 10 Q. Can you explain to the jury why it was a brief period of
11:15AM 11 time? What happened?

11:15AM 12 A. Brandon, he was the DJ, had told K.L. and I when we came
11:15AM 13 back to work after the arrest that if anything so much as a
11:15AM 14 Tic Tac fell out of our pocket, that we would be fired.

11:15AM 15 Q. Now, as you sit here today, do you know if Brandon got
11:15AM 16 that directive from this defendant to tell you that?

11:15AM 17 A. I don't know that. I assume so.

11:15AM 18 **MR. SOEHNLEIN:** Objection.

11:15AM 19 **MR. COOPER:** Does she know?, is the question.

11:15AM 20 **THE COURT:** Overruled.

11:15AM 21 **THE WITNESS:** I don't know.

11:15AM 22 **BY MR. COOPER:**

11:15AM 23 Q. Okay. Before receiving that directive, that if so much
11:16AM 24 as a Tic Tac falls out of your pocket you're out of here, had
11:16AM 25 you been using drugs regularly with the owner of the club?

11:16AM 1 A. Yes.

11:16AM 2 Q. Did he ever say, hey, you're fired for using drugs?

11:16AM 3 A. No.

11:16AM 4 Q. Okay. Was it the arrest that changed things?

11:16AM 5 A. Yes, I think so.

11:16AM 6 Q. The night that you were arrested, did you speak with law

11:16AM 7 enforcement?

11:16AM 8 A. Yes.

11:16AM 9 Q. Did you tell them things about this defendant?

11:16AM 10 A. Yes.

11:16AM 11 Q. Do you know if he found out about that?

11:16AM 12 A. I don't know.

11:16AM 13 Q. Shortly after Brandon Carr makes those statements to you,

11:16AM 14 do you get essentially kind of forced out of Pharaoh's?

11:16AM 15 A. Yes.

11:16AM 16 Q. Can you describe that for the jury?

11:16AM 17 A. Just became an unsavory work environment. It was -- I

11:16AM 18 don't know. It was just hard to work there. And I ended up

11:16AM 19 going back to Rick's Tally-Ho for a little bit.

11:16AM 20 Q. Okay. That arrest happened. Is it -- was that arrest in

11:17AM 21 August of 2009?

11:17AM 22 A. I believe so, yes.

11:17AM 23 Q. Okay. And the timeframe that we've talked about, when

11:17AM 24 you leave, is it shortly after that?

11:17AM 25 A. Yes.

11:17AM 1 Q. Okay. So when I ask you about becoming aware of the
11:17AM 2 defendant or his family's reputation in that community, would
11:17AM 3 that be during that same timeframe with the spiralling drug
11:17AM 4 addiction in the summer of 2009?

11:17AM 5 A. At some point, yes.

11:17AM 6 Q. Okay. Would it be fair to say it's either then or before
11:17AM 7 then when you're working there dating back to '06?

11:17AM 8 A. It's fair to say that, yes.

11:17AM 9 MR. COOPER: Judge, I think we should come up before
11:17AM 10 I go further.

11:17AM 11 THE COURT: Sure, come on up.

11:17AM 12 (Sidebar discussion held on the record.)

11:17AM 13 MR. COOPER: So I think we got there eventually with
11:18AM 14 the timeframe.

11:18AM 15 THE COURT: Okay.

11:18AM 16 MR. COOPER: And so now I think with the timeframe
11:18AM 17 laid, the argument that I made to you earlier about the
11:18AM 18 operative, what -- what's important to me is what's operating
11:18AM 19 in the person's mind at the time. And so, my inten -- I just
11:18AM 20 want to be up front, my intention is to essentially re-ask
11:18AM 21 what I asked earlier, but switch out that word "speculation"
11:18AM 22 for did you know -- did you have a belief about -- what was
11:18AM 23 the belief that you had about him or his family's reputation.

11:18AM 24 THE COURT: About his reputation? No.

11:18AM 25 Because with reputation, reputation can be true or it

1 can be false. She said it was speculation. So if it's in her
2 head that his family was involved in Italian Organized Crime,
3 that's one thing. If it's in her head that there's
4 speculation that his family was involved in organized crime,
5 that's entirely --

6 **MR. COOPER:** Hold on. May I push back on that
7 respectfully a little bit?

8 **THE COURT:** Go ahead.

9 **MR. COOPER:** I think that to use, like, a totally
10 divorced analogy from this, if somebody showed up at a small
11 business owner -- at a small business owner's business and
12 say, hey, I want you to buy my window washing, or whatever,
13 you know -- something, and the small business owner believes
14 that that person may have a reputation for being in Italian
15 Organized Crime, or being related to an --

16 **THE COURT:** Or even reputation? No.

17 **MR. COOPER:** May.

18 **THE COURT:** Not may, no.

19 **MR. COOPER:** May I finish the --

20 **THE COURT:** Go ahead.

21 **MR. COOPER:** May have a reputation for being in, just
22 using my -- I'm trying to, like, analyze that, I would think
23 that would weigh on the person's mind about, like, hey, how do
24 I handle the situation? If you don't, whether you know for
25 sure or not, if you heard that --

11:19AM 1 **THE COURT:** I'm not saying she's got to know for
11:19AM 2 sure. I'm not saying that. What I'm saying is she's got to
11:19AM 3 have a reason to believe that it -- that it is or might be
11:19AM 4 true.

11:19AM 5 **MR. TRIPI:** Did people make comments to you about his
11:19AM 6 family? Yes or no.

11:19AM 7 Did you hear a number of those comments? Yes, I did.

11:19AM 8 Based on the comments that you heard, did you form a
11:19AM 9 belief in your mind? I think that's okay.

11:20AM 10 **THE COURT:** Yeah, great. I think that's fine.

11:20AM 11 **MR. SOEHNLEIN:** But that's not her testimony.

11:20AM 12 **THE COURT:** I understand.

11:20AM 13 **MR. COOPER:** I'm going to ask more questions.

11:20AM 14 **MR. SOEHNLEIN:** But we've already asked those
11:20AM 15 questions. We've spent the last 15 minutes talking, going
11:20AM 16 around and around.

11:20AM 17 **THE COURT:** He can try again. He can try again.

11:20AM 18 (End of sidebar discussion.)

11:20AM 19 **MR. COOPER:** Can I just have one more second, Judge?

11:20AM 20 **THE COURT:** Yes.

11:21AM 21 **MR. COOPER:** Thank you.

11:21AM 22 **BY MR. COOPER:**

11:21AM 23 Q. Just a couple more slightly different questions.

11:21AM 24 During the time that you worked at Pharaoh's, from '06 to
11:21AM 25 '09, did people make comments to you or in front of you about

1 the defendant's family?

2 A. I don't remember.

3 Q. Okay. So, did people make comments to you about the
4 defendant's -- withdrawn.

5 Let me -- during the time that you worked at Pharaoh's,
6 had you heard things about the defendant or his family that
7 caused you to form a belief in your head?

8 A. Yes.

9 Q. What was the belief that you formed in your head?

10 A. I don't know, that Peter was a connected person. I knew
11 he was on -- it was my understanding that he was on parole or
12 something. He just spent time in federal prison maybe.

13 Q. When you say connected --

14 **MR. SOEHNLEIN:** Object. Can we come up, Your Honor?

15 **THE COURT:** Sure.

16 (Sidebar discussion held on the record.)

17 **MR. SOEHNLEIN:** They've tried four times now with
18 this. All right? She has not given them any basis for any
19 foundation of reputation, and they keep asking questions.

20 **THE COURT:** She just said she thought he was a
21 connected person, so ask --

22 **MR. COOPER:** That's the next question.

23 **THE COURT:** He can certainly ask what that means.

24 **MR. FOTI:** I also, it's a real problem now that she
25 just said he went to federal prison. That's --

11:22AM 1 **THE COURT:** I'll strike that.

11:22AM 2 **MR. FOTI:** It's -- this is -- that's part of the
11:22AM 3 problem where they continue to ask these questions.

11:22AM 4 **THE COURT:** No, it's not. No, it's not. No, it's
11:22AM 5 not.

11:22AM 6 The federal prison had nothing to do with anything.
11:22AM 7 She just volunteered it. You can't stop a witness from
11:22AM 8 volunteering. They have nothing to do with the reputation
11:22AM 9 questions that were being asked. So the government didn't do
11:22AM 10 anything wrong in that regard.

11:22AM 11 So we'll strike the federal prison, and we'll tell
11:22AM 12 the jury they're not to consider the testimony about whether
11:23AM 13 he was in federal prison or not. We don't know that. The
11:23AM 14 witness said she had heard it. And I will tell them to strike
11:23AM 15 that. And --

11:23AM 16 **MR. COOPER:** I'll follow up on it.

11:23AM 17 **THE COURT:** -- you can ask the next question as what
11:23AM 18 she meant by connected.

11:23AM 19 **MR. FOTI:** At this --

11:23AM 20 **THE COURT:** Go ahead.

11:23AM 21 **MR. FOTI:** -- at this point, even if the government
11:23AM 22 didn't intentionally elicit, I won't move for prejudice, I
11:23AM 23 would move for a mistrial based on that.

11:23AM 24 I don't believe a curative instruction can strike it
11:23AM 25 from the mind of the jurors that this -- this -- that the

1 defendant's been --

2 **THE COURT:** That this --

3 **MR. FOTI:** -- in federal prison.

4 **THE COURT:** -- that this witness heard that defendant
5 was in federal prison. Is that what she said?

6 She said -- just spent time in federal prison maybe.

7 **MR. COOPER:** Judge, it's not even close to manifest
8 necessity.

9 **THE COURT:** Denied. The motion for a mistrial is
10 denied. Let's go.

11 (End of sidebar discussion.)

12 **THE COURT:** Okay. Folks, the witness said: He just
13 spent time in federal prison maybe.

14 I'm going to strike that.

15 We don't know whether he spent time in federal
16 prison, whether he didn't spend time in federal prison. This
17 is the witness's speculation, and you're not to consider
18 whether or not he spent time in federal prison in any way
19 because we don't know that. And the witness doesn't know
20 that, she said maybe.

21 And so that's to be stricken. Next question.

22 **BY MR. COOPER:**

23 Q. So in the previous answer --

24 **MR. COOPER:** Can I get a read-back up to the point of
25 what the judge just struck and the answer, Ann? I'm sorry.

11:24AM

1

THE REPORTER: Sure.

11:24AM

2

MR. COOPER: Thank you.

11:24AM

3

(The above-requested testimony was then read by the

11:24AM

4

reporter.)

11:24AM

5

THE COURT: Right there.

11:24AM

6

MR. COOPER: Yep, thank you.

11:24AM

7

BY MR. COOPER:

11:24AM

8

Q. When you say the word "connected," what do you mean?

11:25AM

9

A. Sounds crazy now, but, like, he had mob ties.

11:25AM

10

Q. Okay. All right. And then I just want to finish a few

11:25AM

11

more questions about upstairs there.

11:25AM

12

When the defendant directed you to go to the bathroom and

11:25AM

13

hook up with his friend, did you understand that as have sex?

11:25AM

14

A. Yes.

11:25AM

15

Q. Okay. Again, I apologize for the personal nature of the

11:25AM

16

question, did the man wear a condom?

11:25AM

17

A. Yes.

11:25AM

18

Q. Do you know what that man's status or his connection to

11:26AM

19

Peter was?

11:26AM

20

A. No. I thought he came from a family that had money.

11:26AM

21

Q. Earlier when we were talking about K.L. at the hotel room

11:26AM

22

having a seizure, you said they had -- they had partied all

11:26AM

23

night. When you say "partied," what do you mean by that?

11:26AM

24

A. They were drinking and doing cocaine.

11:26AM

25

Q. After you came to get K.L., did you see what the

1 defendant did?

2 A. What do you mean?

3 Q. Do you remember if he stayed or left?

4 A. No, he stayed in the hotel room.

5 Q. Okay.

6 **MR. COOPER:** One second, Judge.

7 No further direct, Judge. Thank you.

8 **THE COURT:** Okay. We're going to take our break now.

9 Please remember my instructions about not
10 communicating about the case including with each other, and
11 not making up your mind.

12 See you back here in about ten or 15 minutes.

13 (Jury excused at 11:27 a.m.)

14 **THE COURT:** Ma'am, I want to tell you --

15 **MR. COOPER:** Hang on one second for me.

16 **THE COURT:** Go ahead, you guys can leave.

17 Ma'am, I just want to tell you, don't talk to anybody
18 about your testimony during the break. Okay? That's all.

19 **THE WITNESS:** Okay.

20 **THE COURT:** Okay. Thank you.

21 (Witness excused at 11:28 a.m.)

22 **THE COURT:** Okay. Mr. Soehnlein, Mr. Foti, if you
23 want to make more of a record, you're welcome to now.

24 **MR. FOTI:** Judge, I -- I think I made the motion, it
25 was denied. I think if there's an issue, I believe we

1 preserved it. I just, I believe -- sensitive to all the
2 issues that are really collateral to the elements of this
3 offense, and we obviously dealt with it, and went to
4 painstaking efforts to try to navigate past those as much as
5 possible during jury selection.

6 We're aware that there's things that were reported on
7 in the news that could impact people's perception of
8 Mr. Gerace in this case. I think we did a good job during
9 jury selection.

10 But any time something comes out from a witness that
11 goes beyond what the -- what was expected in terms of evidence
12 that has some bearing on Mr. Gerace and the perception the
13 jury has of Mr. Gerace in a prejudicial manner such as I
14 formed an opinion because in part I heard that he might have
15 went to federal prison, I don't think that that is repairable.
16 So I made the motion for a mistrial. I understand it's been
17 denied. But that was the reason for it.

18 And I know it's only one instance, and there was a
19 curative instruction, but I think it's important that we
20 express our opinion when this testimony comes out, and we'll
21 probably continue to do so if it happens again at some point.

22 **THE COURT:** Of course.

23 **MR. COOPER:** Judge, if I --

24 **THE COURT:** Yeah, go ahead.

25 **MR. COOPER:** I understand you ruled on it, but I want

1 to make a record as well.

2 **THE COURT:** Yeah, go ahead.

3 **MR. COOPER:** First of all, it wasn't directly
4 responsive to the question -- while it may have been
5 responsive to the question, it wasn't what anybody was
6 intending to ask about.

7 I think the curative instruction is more than
8 sufficient, especially in a case like this one where there's
9 already been testimony from a federal probation officer about
10 the defendant being on supervision. I think it's -- I'm not
11 saying it's the same thing, but it's all viewed on a spectrum.
12 And in this case, the jury has proof that you're already
13 letting in. So I don't think that the harm is -- is that
14 significant.

15 Additionally, I would say that I chose to just walk
16 away from it because I'm satisfied with the testimony I got,
17 but I think that there are legitimate arguments under 403 for
18 that coming in because of how it weighs on her perception of
19 whether she's -- has to do what's pitched out there. Knowing
20 someone has been to federal prison is scary, that's why she
21 said it.

22 And so, far from it being testimony worthy of a
23 mistrial, I think I could have and maybe should have argued
24 that the testimony should stand, because it all goes to what
25 was in her head at the time.

1 So we walked away from it. And I apprec -- I
2 understand the Court's ruling. But I just want to make a
3 record that I actually think the testimony could have come in
4 under 403 given the nature of the charges and the elements.

5 **THE COURT:** Okay. I'm not so sure I agree with that.

6 What I will say is this. If the defense wants any
7 kind of a further curative instruction, I will give it, but
8 the motion for a mistrial is denied.

9 **MR. FOTI:** Understood. Thank you.

10 **THE COURT:** Thank you, all, very much.

11 **MR. SOEHNLEIN:** Your Honor, I'm sorry, I have one
12 more thing.

13 **THE COURT:** Go ahead.

14 **MR. SOEHNLEIN:** So, something unanticipated on
15 direct. And I really didn't think the government would do
16 this, but it did.

17 In its direct exam, it went through subsequent
18 arrests that Ms. G.R. had up and through 2012, and to the
19 point where she obtained sobriety.

20 One of those arrests that they didn't ask about, you
21 recall that they asked about DWIs, DWIs, DWIs. But the
22 ultimate arrest was a prostitution arrest.

23 And so I believe that they've opened the door and to
24 just the fact that that arrest, which was asked about, was in
25 fact for prostitution in 2012.

11:32AM 1 **MR. COOPER:** So, I -- elicited on direct examination
11:32AM 2 her history up until the point of sobriety. I don't believe
11:32AM 3 that asking about earlier arrests or convictions opens the
11:32AM 4 door to a later arrest. I don't see how asking about a 2011
11:32AM 5 or 2012 DWI arrest automatically opens the door to a 2012
11:32AM 6 prostitution arrest.

11:32AM 7 **THE COURT:** But why wouldn't -- I mean, you asked
11:32AM 8 about a whole series of arrests. She says, yes, I got
11:32AM 9 arrested for DWI. Why can't he ask if one of those arrests,
11:32AM 10 one of the times that she was arrested was for prostitution?
11:32AM 11 What's the basis for --

11:32AM 12 **MR. COOPER:** What's the --

11:32AM 13 **THE COURT:** -- excluding that?

11:32AM 14 **MR. COOPER:** -- probative value of it? I would ask,
11:32AM 15 like --

11:32AM 16 **THE COURT:** To finish --

11:32AM 17 **MR. COOPER:** -- other than the prejudicial nature of,
11:32AM 18 like, other than the -- other than using the arrest, which
11:33AM 19 it's not a conviction for prostitution. Like, under the Rules
11:33AM 20 of Evidence, I don't understand what the -- what would be the
11:33AM 21 probative value? What material fact at issue in the case does
11:33AM 22 it make more or less likely to have occurred that in 2012
11:33AM 23 something happened when the allegation is about what happened
11:33AM 24 in 2009? It's just to dirty up the witness.

11:33AM 25 **MS. CHALBECK:** And I would add, Your Honor, that this

1 is the kind of material that Rule 412 generally precludes.

2 **THE COURT:** Go ahead, Mr. Soehnlein.

3 **MR. SOEHNLEIN:** I'm sorry, except Rule 12 precludes
4 it only to the extent that the prosecution doesn't open the
5 door to it.

6 The prosecution has gone through it, and what they're
7 trying show, the reason for their -- the eliciting the
8 testimony was to show that she struggled with sobriety through
9 all this time, her life slowly got better, and she made this
10 great recovery once she was outside of Mr. Gerace's orbit.

11 It does not accurately portray what that story line
12 actually had.

13 And, in fact, when she got to that arrest, Mr. Cooper
14 had been asking, okay, that was an arrest for DWI? That was
15 an arrest for DWI? That was an arrest for DWI?

16 When he got to that arrest, he didn't ask the
17 question what it was for. 2012.

18 **THE COURT:** He asked about that arrest?

19 **MR. SOEHNLEIN:** That arrest, she talked about.

20 **THE COURT:** Did you ask about that arrest?

21 **MR. COOPER:** I asked about did -- I was going through
22 chronologically through the timeline, I asked about the
23 last -- the last one that I asked about was I think she said
24 in January of 2012.

25 **THE COURT:** Is that the one?

11:34AM 1 **MR. SOEHNLEIN:** That's -- that's the one I --

11:34AM 2 **MR. COOPER:** It's not.

11:34AM 3 **THE COURT:** I'm going to let him get into it.

11:34AM 4 **MR. COOPER:** Hold on.

11:34AM 5 **THE COURT:** I said I'm going to let him get into it.

11:34AM 6 Mr. Cooper said it's not. Go ahead.

11:34AM 7 **MR. COOPER:** So January of 2012 is the DWI arrest I
11:34AM 8 believe. March of 2012, which is what Mr. Soehnlein's
11:34AM 9 referring to, is prostitution arrest.

11:34AM 10 **THE COURT:** And you did not ask about that?

11:34AM 11 **MR. COOPER:** I did not ask about that. I asked about
11:34AM 12 January 2012, that's what puts her in rehab, that's when she
11:34AM 13 gets sober, and that's what I was working through that line of
11:34AM 14 questioning for is how do we get to where we are today.

11:34AM 15 There's nothing misleading about my questioning.

11:34AM 16 An arrest on its own is probative of nothing. She
11:35AM 17 wasn't convicted of the prostitution. This is solely and it's
11:35AM 18 completely divorced in time from the allegations in this case
11:35AM 19 in 2009. So there's not an open-the-door argument to an
11:35AM 20 arrest here.

11:35AM 21 **THE COURT:** Can he ask if she still was involved in
11:35AM 22 prostitution in 2012?

11:35AM 23 **MR. COOPER:** We don't believe there's any relevance.
11:35AM 24 It's what 412 exists to prohibit. And so if it's completely
11:35AM 25 related in time, the rule says that there are very limited

1 exceptions when it can be permissible.

2 The rule exists to prevent exactly what they're
3 trying to do, which is say, hey, because you acted as a
4 prostitute either much earlier or much later, you must have
5 just been consenting to this conduct that's at issue in this
6 case.

7 That's -- that's the only reason for asking about
8 this, and the rule exists to prohibit that.

9 I didn't open the door to it by asking about an
10 earlier arrest that got her in drug treatment.

11 **MR. SOEHNLEIN:** Your Honor, the rule has the
12 carve-out that you're allowed to get into that testimony to
13 prevent manifest unfairness to the defendant and to complete
14 the record.

15 Here, what we're trying to do is complete the record.

16 The government chose to go down this road.

17 Mr. Cooper and I had a conversation about it this
18 morning, and he said you don't intend to get into it.

19 I didn't intend to get into it, because I never
20 thought there was any -- any world that existed where they
21 would go down that path and drive right into it.

22 And now that they have, and they've put her life at
23 that point in time at issue --

24 **THE COURT:** Okay. So I'm going to think about it.
25 I'm gonna -- I'm gonna -- I'm gonna think about it. I'm gonna

1 take a look at the rule, and I'm gonna think about it.

2 Anything else before we break?

3 **MR. COOPER:** No, Judge. I'd just ask if we need to
4 keep arguing it after, that we be given an opportunity to do
5 that.

6 **THE COURT:** Yeah -- yeah, I'll listen. But I'm going
7 to think about it now. Anything more?

8 **MR. SOEHNLEIN:** Nothing else from us, Judge. Thank
9 you.

10 **THE COURT:** Okay.

11 **THE CLERK:** All rise.

12 (Off the record at 11:36 a.m.)

13 (Back on the record at 11:58 a.m.)

14 (Jury not present.)

15 **THE CLERK:** All rise.

16 **THE COURT:** Please be seated.

17 **THE CLERK:** We are back on the record for the
18 continuation of the jury trial in case numbers 19-cr-227 and
19 23-cr-37, United States of America versus Peter Gerace, Jr.,
20 all counsel and parties are present.

21 **THE COURT:** Okay. So, what concerns me about
22 Rule 412 is that it requires a hearing. And -- obviously
23 we're not going to do a hearing in the middle of this trial.
24 We've got to put the witness on notice and give her a chance
25 to get a lawyer to come in, it looks like. It's a very

involved procedure.

Let me ask you this. Your concern about the arrest in March of -- is it 2012?

MR. SOEHNLEIN: 2012.

THE COURT: Cutting against the government's narrative, why do you need to show that the arrest was for prostitution? Why can't you just simply ask her, you were arrested in March of 2012 as well?

MR. SOEHNLEIN: I think that it does need to be for prostitution because the -- what they've gone through is DWI arrest, DWI arrest, DWI arrest, which would suggest to the jurors that she's just struggling with substance abuse and otherwise she's being law abiding. Otherwise, she's not engaging in --

THE COURT: But -- but -- but isn't that, doesn't that play right into what the government is saying, that the fact that it's a prostitution arrest, the only reason you could -- you would want to put that in is -- is to show that she's got a proclivity to engage in prostitution or that she engaged in prostitution after the event, right? And that's exactly what the rule is designed to keep out.

MR. SOEHNLEIN: The rule is designed to keep that out unless it's a manifest prejudice to the defendant.

THE COURT: Well, I don't see those words in the rule. What am I missing?

12:00PM 1 **MR. SOEHNLEIN:** Isn't the -- and I'm -- I don't have
12:00PM 2 it in front of me, I'm recalling from our earlier motion
12:00PM 3 practice.

12:00PM 4 **MR. COOPER:** I have it in front of me, I'll read it.
12:00PM 5 Rule 412 --

12:00PM 6 **THE COURT:** You don't have to read the whole thing.

12:00PM 7 **MR. COOPER:** The part that -- here are the -- the
12:00PM 8 three exceptions spelled out in the criminal case.

12:00PM 9 A. Evidence of specific instances of sexual behavior
12:00PM 10 by the alleged victim offered to prove that a person other
12:00PM 11 than the accused was the source of the semen, injury, or other
12:00PM 12 physical evidence. Obviously inapplicable here.

12:00PM 13 B. Evidence of specific instances of sexual behavior
12:00PM 14 by the alleged victim with respect to the person accused of
12:00PM 15 the sexual misconduct offered by the accused to prove consent
12:00PM 16 or by the prosecution to rebut. Does not apply here.

12:01PM 17 C. Evidence the exclusion of which would violate the
12:01PM 18 constitutional rights of the defendant. That does not apply
12:01PM 19 here either. He does not have a constitutional right to dirty
12:01PM 20 up a victim asking about a prostitution arrest three years
12:01PM 21 divorced from the facts that are relevant to the charge in the
12:01PM 22 indictment. It's just, that's what intention is, and that's
12:01PM 23 what the rule exists to prohibit.

12:01PM 24 **THE COURT:** Yeah. I think, Mr. Soehnlein, you can
12:01PM 25 ask about the arrest, you can't link the arrest to

1 prostitution. Okay? So that's what I will allow.

2 **MR. COOPER:** I'd like for the witness to be advised
3 outside the presence of the jury not to offer up the fact.
4 She's a very candid person, and I expect when the question is
5 posed to her, she may say in her answer. So I'd ask Your
6 Honor to inform her of your ruling.

7 **MR. SOEHNLEIN:** I'm sorry, Your Honor, may I ask that
8 the arrest was not a DWI arrest?

9 **THE COURT:** Yeah.

10 **MR. COOPER:** What does it matter? How does that make
11 any material fact at issue in this case more or less to have
12 occurred, or bear on her credibility? Not at all.

13 **THE COURT:** Well, it completes the narrative as
14 Mr. Soehnlein says. So, so the fact that she was arrested,
15 no, I don't think -- I don't think it matters whether it was
16 for DWI or for something else. So, no, I don't think you can
17 ask that. But and -- and yeah, I will instruct her --

18 **MR. COOPER:** Thank you.

19 **THE COURT:** -- that she -- she should not say that it
20 was for prostitution.

21 **MR. COOPER:** And for the same reason, and I don't --
22 this has been briefed before Your Honor.

23 The defense filed a notice. We've never had the
24 hearing, which I think is the party who's intending to offer
25 the evidence is responsible for -- for pushing that forward.

12:02PM 1 **THE COURT:** Of course, Mr. Soehnlein's answer to that

12:02PM 2 is he didn't know he was going to do that until your direct.

12:02PM 3 **MR. COOPER:** They opened -- they opened on -- on, I

12:02PM 4 believe, this witness engaging in -- in other commercial

12:02PM 5 sexual activity after the incident described at Pharaoh's.

12:02PM 6 **MR. SOEHNLEIN:** And Your Honor ruled that if it's

12:02PM 7 while she's working at Pharaoh's, then inside, outside, we're

12:03PM 8 allowed to ask about it. And that's what we intend to ask

12:03PM 9 about.

12:03PM 10 **MR. COOPER:** Okay.

12:03PM 11 **THE COURT:** Yeah, but that's not--

12:03PM 12 **MR. COOPER:** Separate from this. Okay.

12:03PM 13 **THE COURT:** Okay.

12:03PM 14 **MR. COOPER:** All right.

12:03PM 15 **THE COURT:** Okay. Let's get her back.

12:03PM 16 Anything else from the government?

12:03PM 17 **MR. COOPER:** No.

12:03PM 18 **THE COURT:** Anything else from the defense?

12:03PM 19 **MR. SOEHNLEIN:** No, Judge.

12:03PM 20 **THE COURT:** Okay. We'll go for about an hour.

12:03PM 21 I have something that's supposed to be at 12:30?

12:03PM 22 **THE CLERK:** Yes, Judge.

12:03PM 23 **THE COURT:** Okay. We'll have them wait.

12:03PM 24 **THE CLERK:** Yep.

12:03PM 25 **THE COURT:** So we'll go for about an hour. And then

1 we'll break for lunch at 1. Can you let them know --

2 **THE CLERK:** I will send an email, Judge.

3 **THE COURT:** -- that we'll break at 1?

4 Let's bring them in please, Pat.

5 **MR. COOPER:** Can we wait, Judge, to just instruct the
6 witness?

7 **THE COURT:** Oh, I'm sorry, yes.

8 Yeah, let's get the witness in first. Yes, thank
9 you, Mr. Cooper.

10 (Witness seated at 12:03 p.m. No jury present.)

11 **THE COURT:** Okay. Ma'am, you're going to be asked
12 about -- on cross-examination you may be asked about an arrest
13 you had in March of 2012. You're not to say what that arrest
14 was for.

15 **THE WITNESS:** Okay.

16 **THE COURT:** You're not to say the crime that you were
17 arrested for. Okay?

18 **THE WITNESS:** All right.

19 **THE COURT:** Okay. Let's bring them in, please.

20 **MR. COOPER:** Do you understand that?

21 **THE WITNESS:** Yes, I understand.

22 **MR. COOPER:** Stay standing until they come in, then
23 you can sit down. Okay?

24 (Jury seated at 12:05 p.m.)

25 **THE COURT:** The record will reflect that all our

jurors are, again, present.

I remind the witness that she's still under oath.

And you may begin your cross-examination.

MR. SOEHNLEIN: Thank you, Your Honor.

CROSS-EXAMINATION BY MR. SOEHNLEIN:

Q. Good afternoon.

A. Good afternoon.

Q. We've never met before?

A. No.

Q. My name is Eric Soehnlein, I represent Peter Gerace.

I'm going to ask you a couple questions to follow up on your direct exam from this morning. If you don't understand my questions, just let me know, okay?

A. Okay.

Q. Otherwise, if you don't say that, I'll assume that you understood them; is that fair?

A. Fair.

Q. Okay. Very good.

What did you do to get ready to testify?

A. What do you mean?

Q. Well, did you review any documents before your testimony today?

A. Yes.

Q. Okay. And what did you review?

12:06PM 1 A. Questions that I was asked.

12:07PM 2 Q. Okay. And this was a hard paper copy document?

12:07PM 3 A. Yes.

12:07PM 4 Q. Okay. And who gave that to you?

12:07PM 5 A. The gentleman there.

12:07PM 6 Q. The gentlemen there, is that Mr. Cooper?

12:07PM 7 A. Yes.

12:07PM 8 Q. Okay. Yeah. And you reviewed those questions?

12:07PM 9 A. Yeah.

12:07PM 10 Q. Whatever they were?

12:07PM 11 A. Yeah.

12:07PM 12 Q. Okay. How long did you spend reviewing those questions?

12:07PM 13 A. This morning?

12:07PM 14 Q. Yeah.

12:07PM 15 A. Actually, not really at all, maybe five minutes.

12:07PM 16 Q. Okay.

12:07PM 17 A. Not even.

12:07PM 18 Q. And had he given you that before this morning?

12:07PM 19 A. Yes.

12:07PM 20 Q. Okay. And when did he give you that prior to this

12:07PM 21 morning?

12:07PM 22 A. Are you -- I'm sorry, I'm not understanding the question.

12:07PM 23 Do you mean did he hand me a document to take home? Or

12:07PM 24 did he -- are you asking me if I've reviewed the questions

12:07PM 25 before today?

12:07PM 1 Q. Well, let's do -- let's do it both.

12:07PM 2 Did he give you any documents to take home?

12:07PM 3 A. No.

12:07PM 4 Q. Okay. Did you review the questions before today?

12:07PM 5 A. Yes.

12:07PM 6 Q. And you did that this morning?

12:07PM 7 A. Very briefly.

12:08PM 8 Q. Okay.

12:08PM 9 A. Yep.

12:08PM 10 Q. And did he do that at any other times?

12:08PM 11 A. Yes.

12:08PM 12 Q. Okay. And when did you do that?

12:08PM 13 A. Maybe twice before.

12:08PM 14 Q. Okay. When -- when was the first time that you did that?

12:08PM 15 A. I think it was after I did the grand jury testimony. It
12:08PM 16 was a questions from that, that's what we reviewed.

12:08PM 17 Q. Okay. And on the topic of the grand jury testimony, that
12:08PM 18 was a proceeding in a room with -- do you recall which
12:08PM 19 prosecutor you were with in the grand jury?

12:08PM 20 A. I thought it was --

12:08PM 21 **MR. COOPER:** Objection to relevance. What does it
12:08PM 22 matter which prosecutor?

12:08PM 23 **THE COURT:** Overruled.

12:08PM 24 **THE WITNESS:** I think it was Joseph Tripi. I think.

12:08PM 25 **BY MR. SOEHNLEIN:**

12:08PM 1 Q. Okay. Mr. Tripi sitting here in the tie?

12:08PM 2 A. Oh, yeah, sorry. Sorry.

12:08PM 3 Q. It was Mr. Tripi, correct?

12:08PM 4 A. Yeah, he had shorter hair, though. I don't know why I
12:08PM 5 didn't --

12:08PM 6 **MR. TRIPI:** Probably less gray, too.

12:09PM 7 **MR. SOEHNLEIN:** He looks good with long hair.

12:09PM 8 **THE WITNESS:** He does.

12:09PM 9 **MR. SOEHNLEIN:** Longer hair.

12:09PM 10 **THE WITNESS:** He does.

12:09PM 11 **BY MR. SOEHNLEIN:**

12:09PM 12 Q. So, you met -- you met two times to review the questions

12:09PM 13 and -- and then you met with Mr. Cooper this morning, fair?

12:09PM 14 A. Yeah, fair.

12:09PM 15 Q. Okay. Yeah. Any other preparation that you did for this
12:09PM 16 testimony?

12:09PM 17 A. No, just reviewing the questions.

12:09PM 18 Q. Okay. I'm gonna ask you some questions, and again, I
12:09PM 19 apologize, I know we're gonna go through some points in your
12:09PM 20 life that are in the past, right?

12:09PM 21 A. Right.

12:09PM 22 Q. Sometimes the very distant past, right?

12:09PM 23 A. Right.

12:09PM 24 Q. And matters that you put behind you, right?

12:09PM 25 A. Right.

12:09PM 1 Q. But I have a job to ask you some questions about those
12:09PM 2 things, you understand that?

12:09PM 3 A. I understand.

12:09PM 4 Q. Okay. On direct exam, Mr. Cooper asked you some
12:10PM 5 questions about the start of your drug use, and the start of
12:10PM 6 your drinking; do you recall those questions?

12:10PM 7 A. Yes.

12:10PM 8 Q. Okay. And I think that you said that at the end of your
12:10PM 9 teenage years, you had been to some sort of rehab program; is
12:10PM 10 that accurate?

12:10PM 11 A. Correct.

12:10PM 12 Q. Okay. That was before the point in time that you had
12:10PM 13 gone to work at Pharaoh's, correct?

12:10PM 14 A. Yes.

12:10PM 15 Q. And before the time that you had went to work at strip
12:10PM 16 clubs, correct?

12:10PM 17 A. No, I was already working in a strip club, when I -- I
12:10PM 18 was working at Mademoiselle's and then I went to the rehab.

12:10PM 19 Q. Okay. When you're in the rehab, did you -- did you
12:10PM 20 receive training about how to make smart decisions with
12:10PM 21 respect to drugs and alcohol?

12:10PM 22 A. To be honest with you, I don't recall at all.

12:10PM 23 Q. Okay. The rehab, how long was it?

12:10PM 24 A. 28 days.

12:10PM 25 Q. Okay. And where was it?

12:10PM

1 A. ECMC.

12:10PM

2 Q. Okay. Were you inpatient for that?

12:10PM

3 A. Yes.

12:10PM

4 Q. That's a pretty intense program, correct?

12:10PM

5 A. Yeah.

12:10PM

6 Q. Yeah. And your friends and family were generally

12:11PM

7 supportive of that, correct?

12:11PM

8 A. Yes.

12:11PM

9 Q. Yeah. You had relationships with your friends and your

12:11PM

10 family at that point in time?

12:11PM

11 A. Yes.

12:11PM

12 Q. Supportive relationships, correct?

12:11PM

13 A. Yeah.

12:11PM

14 Q. Okay. And -- and they wanted you to succeed and stay

12:11PM

15 sober, correct?

12:11PM

16 A. Yes.

12:11PM

17 Q. You wanted to succeed and stay sober --

12:11PM

18 A. Yes.

12:11PM

19 Q. -- correct?

12:11PM

20 And you understood that in order to do that, you had to

12:11PM

21 make healthy choices, correct?

12:11PM

22 A. Sure, yes.

12:11PM

23 Q. Smart decision making, correct?

12:11PM

24 A. Right.

12:11PM

25 Q. Okay. Now, before you had worked at Pharaoh's, you had

1 been working at, I think you said two other strip clubs,

2 correct?

3 A. Yes.

4 Q. Okay. So fair to say when you applied for a position at

5 Pharaoh's, you understood generally what the job entailed,

6 correct?

7 A. Yes.

8 Q. Yeah. It entails talking to patrons, right?

9 A. Yes.

10 Q. Being flirtatious, correct?

11 A. Yeah.

12 Q. Dancing on a stage without a lot of clothes on, correct?

13 A. Right.

14 Q. Giving lap dances, correct?

15 A. Right.

16 Q. Okay. And, you -- you knew that at certain points in

17 time, the clientele might be a little rough, correct?

18 A. Yeah.

19 Q. Yeah. You talked about that when you talked about -- I

20 think it was Mademoiselle's, correct?

21 A. Right.

22 Q. Okay. And --

23 **MR. COOPER:** I'm going to object, Judge, object to
24 that last question and answer and move to strike, based on a
25 discussion that we had at the bench this morning on this

12:12PM 1 topic.

12:12PM 2 **THE COURT:** No, overruled.

12:12PM 3 **MR. SOEHNLEIN:** All right.

12:12PM 4 **BY MR. SOEHNLEIN:**

12:12PM 5 Q. Okay. Now I think that you -- you talked about a time
12:12PM 6 where you auditioned at Pharaoh's, correct?

12:12PM 7 A. Yes.

12:12PM 8 Q. Do you recall who you auditioned for?

12:12PM 9 A. I believe it was Chris.

12:12PM 10 Q. Okay.

12:12PM 11 A. He was the manager during the day.

12:12PM 12 Q. Okay. You didn't audition with Mr. Gerace, correct?

12:12PM 13 A. No.

12:12PM 14 Q. Okay. And what did the audition entail?

12:13PM 15 A. You just danced to a song. A song or two.

12:13PM 16 Q. Okay. And -- and when you're doing that dance, you're
12:13PM 17 wearing whatever you would wear or whatever you would not
12:13PM 18 wear --

12:13PM 19 A. Right.

12:13PM 20 Q. -- when you're doing that --

12:13PM 21 A. Yes.

12:13PM 22 Q. -- when you work in the club?

12:13PM 23 Okay. So you understood that aspect of the job?

12:13PM 24 A. Sure. Yes.

12:13PM 25 Q. Okay. Now, I think you said that -- that you chose to go

12:13PM 1 work at Pharaoh's because the money was better; that was your
12:13PM 2 perception?
12:13PM 3 A. Yes.
12:13PM 4 Q. Right. And you chose to go work at Pharaoh's because you
12:13PM 5 had heard some things from your roommate at the time who was
12:13PM 6 also working at Pharaoh's, right?
12:13PM 7 A. Yes.
12:13PM 8 Q. And she had reported to you that -- that she had a
12:13PM 9 positive experience at Pharaoh's?
12:13PM 10 A. Yes.
12:13PM 11 Q. Okay. I wanted to follow up. You said earlier that when
12:13PM 12 you first started working at Pharaoh's, you were not aware of
12:13PM 13 drug use in the club, correct?
12:13PM 14 A. Right.
12:13PM 15 Q. Right. Because when you started at Pharaoh's, you
12:13PM 16 weren't using drugs, correct?
12:13PM 17 A. Not at the time, right.
12:13PM 18 Q. Not at the time?
12:14PM 19 A. Right.
12:14PM 20 Q. And so as a non-drug user working at the club, you did
12:14PM 21 not perceive drugs being present in the club at that time,
12:14PM 22 correct?
12:14PM 23 A. No.
12:14PM 24 Q. Yeah. It wasn't obvious to you, correct?
12:14PM 25 A. No.

12:14PM 1 Q. And -- and fairly, it wasn't something you were looking
12:14PM 2 for at the time either, right?

12:14PM 3 A. Right.

12:14PM 4 Q. Okay. Now, there came a time where you were introduced
12:14PM 5 to drugs again, correct?

12:14PM 6 A. Yes.

12:14PM 7 Q. And that was from K.L., right?

12:14PM 8 A. Yes.

12:14PM 9 Q. And that came at a time where K.L. was not working at
12:14PM 10 Pharaoh's, correct?

12:14PM 11 A. No.

12:14PM 12 Q. She was there socially, right?

12:14PM 13 A. Yes.

12:14PM 14 Q. You met her, right?

12:14PM 15 A. Yep.

12:14PM 16 Q. You hit it off with her, right?

12:14PM 17 A. Right.

12:14PM 18 Q. She provided the cocaine to you, correct?

12:14PM 19 A. Yes.

12:14PM 20 Q. And you did it in the bathroom, right?

12:14PM 21 A. Yes.

12:14PM 22 Q. You didn't do it out in the open?

12:14PM 23 A. Right.

12:14PM 24 Q. You didn't do it off the bar --

12:14PM 25 A. No.

12:14PM 1 Q. -- right?

12:14PM 2 You didn't do it off the stage, right?

12:14PM 3 A. No.

12:14PM 4 Q. Okay. And it was Ms. K.L.'s idea to go use it in the

12:14PM 5 bathroom?

12:14PM 6 A. Pardon me?

12:14PM 7 Q. It was K.L.'s idea to go use it in the bathroom?

12:15PM 8 A. Yes.

12:15PM 9 Q. Yeah.

12:15PM 10 A. I believe so, yeah.

12:15PM 11 Q. Okay. And in that moment you made the decision that you

12:15PM 12 were going to use cocaine, right?

12:15PM 13 A. Yes.

12:15PM 14 Q. Okay. Now, you and her had been getting along very well

12:15PM 15 that night, right?

12:15PM 16 A. Yes. Yep.

12:15PM 17 Q. It was the first time that you had ever met her, correct?

12:15PM 18 A. Correct.

12:15PM 19 Q. Okay. And this was before she was dating Mr. Gerace,

12:15PM 20 correct?

12:15PM 21 A. Yes.

12:15PM 22 Q. Long before you had ever met Mr. Gerace, correct?

12:15PM 23 A. Well, I had seen him around the club, but I hadn't

12:15PM 24 actually formally met him, correct.

12:15PM 25 Q. Correct.

12:15PM 1 A. I knew who he was.

12:15PM 2 Q. Yeah, you knew who he was, but you hadn't shaken his
12:15PM 3 hand --

12:15PM 4 A. Right, exactly.

12:15PM 5 Q. -- and said, you know, hi, I'm G.R., or anything like
12:15PM 6 that --

12:15PM 7 A. Right.

12:15PM 8 Q. -- right? Okay.

12:15PM 9 And this actually might be a good time to get that out of
12:15PM 10 the way. And I'm sorry for asking this question, but I'm
12:15PM 11 just -- one question and we'll move on. You've never had sex
12:15PM 12 with Mr. Gerace, correct?

12:15PM 13 A. No.

12:15PM 14 Q. Okay. Now, you -- you and K.L. became friends after
12:15PM 15 that, right?

12:15PM 16 A. Yes.

12:15PM 17 Q. You became party buddies?

12:16PM 18 A. Yes.

12:16PM 19 Q. Is that fair to say?

12:16PM 20 A. Um-hum.

12:16PM 21 Q. And in that relationship, you and her, you're using
12:16PM 22 cocaine, you're doing drugs together on a regular basis,
12:16PM 23 correct?

12:16PM 24 A. Yes.

12:16PM 25 Q. You're doing that outside the club, correct?

12:16PM

1 A. Yes.

12:16PM

2 Q. You're doing that at her house, perhaps?

12:16PM

3 A. Yes.

12:16PM

4 Q. You're doing that at your house, perhaps?

12:16PM

5 A. Yes.

12:16PM

6 Q. You're doing it at other bars and restaurants, perhaps?

12:16PM

7 A. Yes.

12:16PM

8 Q. You're doing it at friends' houses, correct?

12:16PM

9 A. Yes.

12:16PM

10 Q. You're doing in cars, correct?

12:16PM

11 A. Yes.

12:16PM

12 Q. Okay. There was nothing about Pharaoh's that made the

12:16PM

13 drug use exclusive, correct?

12:16PM

14 A. Correct.

12:16PM

15 Q. Okay. Now, in terms of where -- where the drugs are

12:16PM

16 coming from at that point in time, okay, you're buying drugs

12:16PM

17 on your own, correct?

12:16PM

18 A. Yes.

12:16PM

19 Q. You're buying drugs from people outside of Pharaoh's,

12:16PM

20 right?

12:16PM

21 A. Yes.

12:16PM

22 Q. You're buying drugs from people that are your friends,

12:16PM

23 correct?

12:16PM

24 A. Yes.

12:16PM

25 Q. You're buying drugs from people that your friends are

12:16PM 1 introducing you to, correct?

12:16PM 2 A. Yes.

12:16PM 3 Q. You're not struggling to find drugs, right?

12:16PM 4 A. No.

12:16PM 5 Q. But you're choosing to go use drugs, right?

12:17PM 6 A. Yeah, if that's what you want to call it, yes.

12:17PM 7 Q. Yeah, well, you made the choice to use cocaine, right?

12:17PM 8 A. Right.

12:17PM 9 Q. Okay. You had -- you had at least gone to rehab at least
12:17PM 10 one time prior to that, right?

12:17PM 11 A. Yes.

12:17PM 12 Q. Pretty intense rehab program, right?

12:17PM 13 A. Actually, no, it wasn't an intense program. They still
12:17PM 14 allowed cigarette smoking at ECMC during this time, and the
12:17PM 15 program was pretty lax if I could say that.

12:17PM 16 Q. So, but it's 28 days at ECMC, correct?

12:17PM 17 A. Yes.

12:17PM 18 Q. Okay. And you completed the program, right?

12:17PM 19 A. Yes.

12:17PM 20 Q. And you believed that the fact that they let you smoke
12:17PM 21 cigarettes meant that it was lax?

12:17PM 22 A. Yeah. They've changed a lot since 2020, I'm sorry.

12:17PM 23 Q. Okay. You don't -- you don't believe they should have
12:17PM 24 permitted you to smoke cigarettes?

12:17PM 25 **MR. COOPER:** Objection as to what she believes

1 smoking cigarettes, like, relevance.

2 **THE COURT:** I'll allow it. Go ahead.

3 **THE WITNESS:** I just -- I take meetings and AA
4 meetings into rehabs now, and they don't allow any of that
5 stuff. It's different from when I went, that's all. I just
6 observed it.

7 **BY MR. SOEHNLEIN:**

8 Q. Okay. You observed that it's different, but you -- you
9 don't think that the program is insufficient in any way,
10 right?

11 A. Now or then?

12 Q. Well, let's -- let me back up.

13 You did the rehab that ECMC offered at the time, correct?

14 A. Yes.

15 Q. Okay. You completed the rehab program, correct?

16 A. Yes.

17 Q. Okay. Subsequent to that rehab program, you chose to use
18 cocaine again, correct?

19 A. Yes.

20 Q. Okay. And you chose to buy drugs again, correct?

21 A. Yes.

22 Q. Okay. Now, when you -- when you went to rehab, you knew
23 that you were becoming addicted to drugs and alcohol,
24 correct?

25 A. Yes.

12:18PM 1 Q. Fair to say? You understood that about yourself, right?

12:18PM 2 A. Yes.

12:18PM 3 Q. Okay. I want to talk to you a little bit about -- a

12:18PM 4 little bit about what it was to be a dancer at Pharaoh's in

12:18PM 5 that 2006 to 2009 time period. Okay? Generally.

12:18PM 6 So we're just going to kind of put the drug use to the

12:18PM 7 side for a minute and just talk about that.

12:19PM 8 A. Okay.

12:19PM 9 Q. Okay. And Mr. Cooper touched on this, one way that you

12:19PM 10 could earn money is by dancing on the stage, correct?

12:19PM 11 A. Yes.

12:19PM 12 Q. Okay. Now, the stage money, customer gives that to you.

12:19PM 13 Do you share that with the club in any way?

12:19PM 14 A. No, it's mine.

12:19PM 15 Q. Okay. It's yours. You make 100 percent of whatever you

12:19PM 16 get paid on the stage, correct?

12:19PM 17 A. Yes.

12:19PM 18 Q. Okay. How about tips from customers for talking to them,

12:19PM 19 did customers tip you just for talking to them?

12:19PM 20 A. Yes.

12:19PM 21 Q. Okay. Tell us, how did that work?

12:19PM 22 A. I don't know. Sometimes guys would throw you 10 or \$20,

12:19PM 23 I'm not gonna do a dance, but thanks for talking, or

12:19PM 24 whatever.

12:19PM 25 Q. Okay.

12:19PM 1 A. Yeah, like that.

12:19PM 2 Q. Sometimes guys just wanted a conversation or the company?

12:19PM 3 A. Yeah, sure.

12:19PM 4 Q. Okay. Now, when you're having conversations with guys,

12:19PM 5 you're not mean or standoffish to them, right?

12:19PM 6 A. No.

12:19PM 7 Q. No. You're -- you're -- you're flirtatious, correct?

12:19PM 8 A. I wasn't like that, but --

12:19PM 9 Q. You weren't?

12:19PM 10 A. -- but you're supposed to be generally, yes.

12:19PM 11 Q. Okay.

12:20PM 12 A. Yeah.

12:20PM 13 Q. And generally, so, you -- you were -- you were not

12:20PM 14 flirtatious?

12:20PM 15 A. No, I just talked normally.

12:20PM 16 Q. Okay.

12:20PM 17 A. That's how I did it, yeah.

12:20PM 18 Q. All right. All right. But you were, you were willing to

12:20PM 19 engage in a conversation?

12:20PM 20 A. Correct.

12:20PM 21 Q. Because you understood that having that conversation was

12:20PM 22 one way of earning additional income, correct?

12:20PM 23 A. Yes.

12:20PM 24 Q. Okay. And, so, when you're having that conversation and

12:20PM 25 you're engaging with customers, what you're signalling to

12:20PM 1 them, is yes, I do want to talk to you, right?

12:20PM 2 A. Right.

12:20PM 3 Q. I do want to hear what you're saying, yes?

12:20PM 4 A. Right.

12:20PM 5 Q. Right. I do want to understand, you know, whatever we're
12:20PM 6 talking about, and I'm interested in it, correct?

12:20PM 7 A. Yes.

12:20PM 8 Q. All right. Now, the same way when you're dancing on
12:20PM 9 stage, do you ever connect with a specific customer that
12:20PM 10 might be coming up on the stage to give you a tip or anything
12:20PM 11 like that?

12:20PM 12 A. Sure.

12:20PM 13 Q. Yeah. And when you're on the stage, it's your job to
12:20PM 14 message that, yes, I want to be here, I'm interested in what
12:20PM 15 I'm doing, correct?

12:20PM 16 A. Sure.

12:20PM 17 Q. Yes?

12:20PM 18 A. Yeah.

12:20PM 19 Q. If you look disinterested, you're going to make less
12:21PM 20 money?

12:21PM 21 A. Exactly.

12:21PM 22 Q. Right. Part of it is an act, right?

12:21PM 23 A. Yes.

12:21PM 24 Q. You're not using your real name, right?

12:21PM 25 A. I did.

12:21PM 1 Q. You did?

12:21PM 2 A. I did.

12:21PM 3 Q. Okay.

12:21PM 4 A. I like my name, so --

12:21PM 5 Q. I like your name, too.

12:21PM 6 A. Thank you.

12:21PM 7 Q. Now, the -- but you're performing, right?

12:21PM 8 A. Yes.

12:21PM 9 Q. Okay. The whole night is a performance, fair?

12:21PM 10 A. Fair.

12:21PM 11 Q. Okay. And the signalling, the messaging that you're

12:21PM 12 giving off to everybody that you're interacting with, is that

12:21PM 13 you want to be doing what you're doing, fair?

12:21PM 14 A. Yes.

12:21PM 15 Q. Yeah. That's one path to earning an income working as a

12:21PM 16 dancer in a strip club, right?

12:21PM 17 A. Yes.

12:21PM 18 Q. All right. Same thing with VIP dances. When you go back

12:21PM 19 into the VIP dances, you don't act standoffish with a

12:21PM 20 customer, right?

12:21PM 21 A. No.

12:21PM 22 Q. You don't act disinterested, right?

12:21PM 23 A. Right.

12:21PM 24 Q. You're engaging, correct?

12:21PM 25 A. Yes.

12:21PM 1 Q. You're maybe a little bit more flirty than you would be
12:22PM 2 normally?

12:22PM 3 A. Sure.

12:22PM 4 Q. And the dancers are supposed to be flirty, right?

12:22PM 5 A. Right.

12:22PM 6 Q. Okay. Now, let's talk about the customers that you are
12:22PM 7 going to interact with. You choose who you're gonna talk,
12:22PM 8 to, right?

12:22PM 9 A. Right.

12:22PM 10 Q. Right. There's no rule that says you have to talk to
12:22PM 11 every single person that talks to you, right?

12:22PM 12 A. Right.

12:22PM 13 Q. Okay. So, it might be that you just say, you know what?
12:22PM 14 I don't want to talk to this guy, I'm not gonna bother with
12:22PM 15 him, right?

12:22PM 16 A. Right.

12:22PM 17 Q. Now, the goal of you working as a dancer is to make
12:22PM 18 money, fair?

12:22PM 19 A. Fair.

12:22PM 20 Q. So, you are gonna go to the people that you perceive as
12:22PM 21 paying more money, right?

12:22PM 22 A. Yes.

12:22PM 23 Q. Fair? Okay. So, what kind of things would you have
12:22PM 24 looked for?

12:22PM 25 A. Handing me a larger bill on stage.

12:22PM 1 Q. Okay. So if someone handed you had a larger bill on
12:22PM 2 stage, you would be more likely to go follow up with that
12:22PM 3 customer when you got off stage, right?

12:22PM 4 A. Right.

12:23PM 5 Q. Okay. 'Cuz that signals to you this person is interested
12:23PM 6 in me, maybe they want to go have a dance, right?

12:23PM 7 A. Right.

12:23PM 8 Q. And then I'm going to make more money, right?

12:23PM 9 A. Right.

12:23PM 10 Q. What else, what other things would you look for?

12:23PM 11 A. I don't know, what kind of drink they have in front of
12:23PM 12 them, how they look.

12:23PM 13 Q. Okay. So let's talk about that.

12:23PM 14 What about the drink is going to signal to you that this
12:23PM 15 person might have more money?

12:23PM 16 A. Well, maybe if they had a Manhattan versus a Bud Light.

12:23PM 17 Q. Okay.

12:23PM 18 A. Maybe.

12:23PM 19 Q. Because a Manhattan is more expensive, right?

12:23PM 20 A. Yeah.

12:23PM 21 Q. And you assume it's a more sophisticated person, right?

12:23PM 22 A. Yeah.

12:23PM 23 Q. I don't think that's true, by the way.

12:23PM 24 A. No, I --

12:23PM 25 Q. But that's -- what, if --

12:23PM 1 A. No, right, maybe it costs more money.

12:23PM 2 Q. Right. Costs more money, so you're going to be more
12:23PM 3 likely to go and -- and talk to that person, right?

12:23PM 4 A. Right.

12:23PM 5 Q. Okay. You said how they look. What about how they look?

12:23PM 6 A. Maybe if they had expensive clothes on, or they were well
12:23PM 7 kept. I don't know. Those things.

12:23PM 8 Q. Okay. Any specific articles of clothing that you would
12:23PM 9 look for?

12:23PM 10 A. No, just looks. Sharper dressed. I don't know, I would
12:23PM 11 say that.

12:23PM 12 Q. Okay. Yeah, but if you saw someone that you perceived as
12:24PM 13 being more sharper dressed, you'd be more likely to go and
12:24PM 14 have a conversation with him, right?

12:24PM 15 A. Sure.

12:24PM 16 Q. And when you're having this conversation you're trying to
12:24PM 17 be engaging, and you're trying to signal to them yes, I want
12:24PM 18 to interact with you, correct?

12:24PM 19 A. Right.

12:24PM 20 Q. Okay. I think we might have touched on this, but you
12:24PM 21 have a recollection of how much money you made when you were
12:24PM 22 working at Pharaoh's?

12:24PM 23 A. We did touch on it, I said about two grand a week I was
12:24PM 24 making.

12:24PM 25 Q. Okay. Two grand a week. And at that point in time,

12:24PM 1 where were you living?

12:24PM 2 A. In Amherst.

12:24PM 3 Q. Okay. I don't need to know the specific address, but

12:24PM 4 could you just give us a street?

12:24PM 5 A. I think it was Sunrise Boulevard something, it was off

12:24PM 6 Sheridan.

12:24PM 7 Q. Okay. All right. And you had a car?

12:24PM 8 A. I had a car.

12:24PM 9 Q. Okay. What kind of car were you driving?

12:24PM 10 A. A 650i BMW.

12:24PM 11 Q. You were driving a BMW at that time?

12:24PM 12 A. Yes.

12:24PM 13 Q. Okay. Making \$2,000 a week as a dancer, correct?

12:24PM 14 A. Yes.

12:24PM 15 Q. The BMW was late model, right?

12:25PM 16 A. Yes.

12:25PM 17 Q. Okay. And that was the car you were zipping around in

12:25PM 18 doing whatever you were doing, right?

12:25PM 19 A. Yes.

12:25PM 20 Q. It's the car that you were arrested in in Amherst, right?

12:25PM 21 A. Yes.

12:25PM 22 Q. Yeah, 650 -- what color was it?

12:25PM 23 A. Black.

12:25PM 24 Q. Okay. Leather interior?

12:25PM 25 A. Yes.

12:25PM 1 Q. Power windows?

12:25PM 2 A. Yep.

12:25PM 3 Q. Pretty quick car?

12:25PM 4 A. Yes.

12:25PM 5 Q. Pretty awesome car?

12:25PM 6 A. Yeah.

12:25PM 7 Q. Yeah, all right. And that was your car?

12:25PM 8 A. It was not in my name, no.

12:25PM 9 Q. Okay. But you were driving it?

12:25PM 10 A. I was driving it, yeah.

12:25PM 11 Q. Okay. So, and all right. So we talked about that.

12:25PM 12 I want to ask you some questions about -- you talked

12:25PM 13 about some VIPs that you might have perceived being in the

12:25PM 14 club; do you recall that testimony?

12:25PM 15 A. Yes.

12:25PM 16 Q. And you said that they were people that maybe had a

12:25PM 17 private area, right?

12:25PM 18 A. Yes.

12:25PM 19 Q. They seemed to know Mr. Gerace?

12:25PM 20 A. Yeah.

12:25PM 21 Q. You don't know whether or not those people paid for that

12:25PM 22 area, right?

12:25PM 23 A. No.

12:25PM 24 Q. No. It's entirely possible that they did, in fact, pay

12:25PM 25 for that area, right?

12:26PM

1 A. Sure.

12:26PM

2 Q. Okay. And -- and the fact that Mr. Gerace is the

12:26PM

3 owner -- strike that.

12:26PM

4 You'd been in the club long enough to understand that

12:26PM

5 part of the club is customer service, right?

12:26PM

6 A. Sure.

12:26PM

7 Q. It's the customer service industry, right?

12:26PM

8 A. Yes.

12:26PM

9 Q. And, so, it wouldn't surprise you that Mr. Gerace as the

12:26PM

10 owner might go over and talk to people that had bought a VIP

12:26PM

11 area in the club, correct?

12:26PM

12 A. Sure.

12:26PM

13 Q. That's something that a responsible owner would do,

12:26PM

14 right?

12:26PM

15 A. Sure.

12:26PM

16 Q. Okay.

12:26PM

17 A. Yeah.

12:26PM

18 Q. Okay. Now, I want to talk to you a little bit about

12:26PM

19 there was some testimony about upstairs; do you recall that

12:26PM

20 testimony?

12:26PM

21 A. Yes.

12:26PM

22 Q. Okay. And I think you said that when you went upstairs

12:26PM

23 usually you went with K.L., right?

12:26PM

24 A. Yes.

12:26PM

25 Q. Okay. So, so K.L. is sort of your avenue to access to

12:26PM 1 the upstairs, correct?

12:26PM 2 A. Yes.

12:26PM 3 Q. Because she had a with relationship Mr. Gerace at that
12:26PM 4 point in time --

12:26PM 5 A. Yes.

12:26PM 6 Q. -- right? Okay. And you never said no, I don't want to
12:27PM 7 go upstairs, right?

12:27PM 8 A. No.

12:27PM 9 Q. And by the same token, regular patrons couldn't just walk
12:27PM 10 upstairs, correct?

12:27PM 11 A. Right.

12:27PM 12 Q. So what was going on upstairs was separate from what was
12:27PM 13 going on in the club, right?

12:27PM 14 A. Sure.

12:27PM 15 Q. Yeah. And I think you testified earlier that your drug
12:27PM 16 use in the club was in the bathroom, correct?

12:27PM 17 A. Right.

12:27PM 18 Q. Okay. And you're not doing it in the open, right?

12:27PM 19 A. No.

12:27PM 20 Q. There's cameras everywhere, correct?

12:27PM 21 A. Yes.

12:27PM 22 Q. Okay. Everywhere that's permitted by law, right?

12:27PM 23 A. Correct.

12:27PM 24 Q. Okay. No cameras in the bathroom, right?

12:27PM 25 A. Right.

12:27PM 1 Q. Can't have cameras in the women's bathroom, right?

12:27PM 2 A. Right.

12:27PM 3 Q. Okay. Can't put a male security guard in the women's

12:27PM 4 bathroom, right?

12:27PM 5 A. Right.

12:27PM 6 Q. That wouldn't be permissible, right?

12:27PM 7 A. Correct.

12:27PM 8 Q. Okay. But when you're using drugs at the club, you're

12:27PM 9 going to the bathroom, right?

12:27PM 10 A. Yes.

12:27PM 11 Q. You didn't feel confident enough to just do it in the

12:27PM 12 open --

12:27PM 13 A. Right.

12:27PM 14 Q. -- right? Okay.

12:27PM 15 And before you started doing drugs again, you never saw

12:27PM 16 anybody else use drugs in the open either, right?

12:27PM 17 A. No.

12:27PM 18 Q. Now after you started using drugs, you started to

12:28PM 19 understand that other people were using drugs, too, right?

12:28PM 20 A. Yes.

12:28PM 21 Q. Okay. Now your perception changed because your social

12:28PM 22 circle changed, right?

12:28PM 23 A. Right.

12:28PM 24 Q. When you started using drugs, you started hanging out

12:28PM 25 with other people that were using drugs --

12:28PM 1 A. Right.

12:28PM 2 Q. -- fair?

12:28PM 3 A. Yeah.

12:28PM 4 Q. Yeah. And, so, because of that, you started to pick up

12:28PM 5 on things or notice things that you wouldn't have done when

12:28PM 6 you were stone-cold sober, right?

12:28PM 7 A. Right.

12:28PM 8 Q. Okay. And because part of using the drugs was doing them

12:28PM 9 in secret, wasn't it?

12:28PM 10 A. Yes.

12:28PM 11 Q. Yeah. You can't just to it in the open, right?

12:28PM 12 A. Right.

12:28PM 13 Q. If you did it in the open, you would've been fired,

12:28PM 14 right?

12:28PM 15 A. Yeah.

12:28PM 16 Q. Yeah. You're sure of that?

12:28PM 17 A. Pretty sure.

12:28PM 18 Q. Yeah. Okay. Now, you talked about heroin use. Strike

12:28PM 19 that.

12:28PM 20 You talked about Lortab use, right?

12:28PM 21 A. Yes.

12:28PM 22 Q. K.L. gave you Lortabs, right?

12:28PM 23 A. To begin with, yes.

12:28PM 24 Q. Yeah. You don't know where she got them from, right?

12:28PM 25 A. Not that -- no, I can't recall.

12:28PM	1	Q. Okay. And you bought Lortabs on your own, right?
12:29PM	2	A. Yes.
12:29PM	3	Q. Outside the club, right?
12:29PM	4	A. Yeah.
12:29PM	5	Q. Bought them from friends?
12:29PM	6	A. Yes.
12:29PM	7	Q. Bought them from other drug dealers, right?
12:29PM	8	A. Right.
12:29PM	9	Q. Okay. This is something that you were doing on your own,
12:29PM	10	right?
12:29PM	11	A. Right.
12:29PM	12	Q. Okay. Driving the BMW to a house, buying Lortabs,
12:29PM	13	driving back, right?
12:29PM	14	A. Right.
12:29PM	15	Q. Okay. And same thing with heroin, K.L. introduced you to
12:29PM	16	heroin, right?
12:29PM	17	A. No, another dancer did.
12:29PM	18	Q. Oh, I'm sorry, another dancer introduced you to heroin?
12:29PM	19	A. Yes.
12:29PM	20	Q. Right. Peter Gerace never gave you heroin?
12:29PM	21	A. No.
12:29PM	22	Q. You've never seen Peter Gerace do heroin?
12:29PM	23	A. No.
12:29PM	24	Q. No. Okay. Now, at the time of that 2009 arrest that
12:29PM	25	we're talking about, you were addicted to heroin, right?

12:29PM 1 A. Yes.

12:29PM 2 Q. That night you had done heroin, correct?

12:29PM 3 A. I believe so, yes.

12:29PM 4 Q. Okay. And you had gotten that from a house on the West
12:29PM 5 Side, correct?

12:29PM 6 A. Sounds right.

12:29PM 7 Q. Yeah. You -- you didn't get that heroin from Pharaoh's,
12:29PM 8 right?

12:29PM 9 A. No.

12:29PM 10 Q. No. You wouldn't -- you've never got heroin from
12:29PM 11 Pharaoh's?

12:29PM 12 A. No.

12:30PM 13 Q. Okay. So even with all of the drug use that's going on,
12:30PM 14 you have to go outside the club to get the heroin, right?

12:30PM 15 A. Right.

12:30PM 16 Q. And you chose to use heroin?

12:30PM 17 A. Yes.

12:30PM 18 Q. Yeah. Okay. Now, the whole time that you're using
12:30PM 19 drugs, the whole time that you're -- you're working through
12:30PM 20 this addiction, you're continuing to work at Pharaoh's
12:30PM 21 because you wanted the money, fair?

12:30PM 22 A. Yes.

12:30PM 23 Q. Right. And when you were working at Pharaoh's, we
12:30PM 24 already talked about it, but from all perspectives, the vibe
12:30PM 25 that you're putting out is I'm enthusiastic to be here, I'm

12:30PM 1 enthusiastic to do what I'm doing, fair?

12:30PM 2 A. Sure.

12:30PM 3 Q. Right. You're not coming in standoffish, right? Even

12:30PM 4 when you're addicted, you're still trying to make money, and

12:30PM 5 so the signals that you're giving to people is I'm doing this

12:30PM 6 because I want to do this, right?

12:30PM 7 A. Sure.

12:30PM 8 Q. Yeah. That was an important part of the signalling,

12:30PM 9 correct?

12:31PM 10 A. Right.

12:31PM 11 Q. Right. If you're not doing that, you're not going to

12:31PM 12 make money, right?

12:31PM 13 A. Right.

12:31PM 14 Q. Yeah, and then you're going to have to go do something

12:31PM 15 else or work at some other club, right?

12:31PM 16 A. Right.

12:31PM 17 Q. Right. And by the way, on that point, after you left

12:31PM 18 Pharaoh's, you didn't struggle to find another job dancing,

12:31PM 19 right?

12:31PM 20 A. No, I went back to Rick's.

12:31PM 21 Q. You went back to where you had been before?

12:31PM 22 A. For two months I think, and then I stopped dancing

12:31PM 23 altogether.

12:31PM 24 Q. Okay. But you didn't struggle to get the job, right?

12:31PM 25 A. No.

1 Q. Okay. I want to talk to you now about the incident that
2 we talked about upstairs.

3 Excuse me just for a second here. Sorry about that.

4 Now, there came a time when you engaged in sex for money,
5 correct?

6 A. Yes.

7 Q. Yeah, and we talked about that. And your recollection is
8 Mr. Gerace asked you to take care of his friend, correct?

9 A. Right.

10 Q. You interpreted that as sex for money, correct?

11 A. Yes.

12 Q. All right. And there's one thing that -- that I notice,
13 you testified this morning that you believe that Mr. Gerace
14 gave you the money after the sex act; is that -- am I
15 recalling that correctly?

16 A. Yes.

17 Q. Okay. In the grand jury you testified differently, isn't
18 that, correct?

19 A. Yes.

20 Q. Okay.

21 A. I don't -- I actually don't know.

22 Q. Okay. Well, if I showed you your grand jury testimony
23 would that refresh your recollection?

24 A. Yeah, it could.

25 **MR. SOEHNLEIN:** Could we -- could we put up her grand

jury testimony, page 19 please, just for her.

MS. CHAMPOUX: 35?

MR. SOEHNLEIN: 35 --

MR. COOPER: 3565A as in apple. It's page 19.

MR. SOEHNLEIN: Just for her, please.

BY MR. SOEHNLEIN:

Q. So if you want to start, start at line 8 there on that page, just read that until maybe the bottom of the page and let us know when you finish.

A. Okay. You want me to read it out loud?

Q. No, no, I don't. I want you to just read it to yourself, I'm sorry.

A. Oh, all right. Okay.

Q. Okay. You're finished reading?

A. Yeah.

MR. SOEHNLEIN: All right. We can take that down, thank you.

BY MR. SOEHNLEIN:

Q. Okay. So, so Mr. Gerace asks you to entertain his friend's friend, right?

A. Right.

Q. And he gave you \$200, right?

A. He gave me \$200, yes.

Q. Okay. And then you went, and you interpreted that as to have sex, and you went and had sex in the bathroom, correct?

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1 A. Right.

2 Q. Okay. Now, you were using drugs pretty heavily that

3 night, correct?

4 A. Yeah.

5 Q. All right. Safe to say that your decisionmaking wasn't

6 straightforward, correct?

7 A. Yeah. Correct.

8 Q. Yeah. You make bad decisions when you're using drugs,

9 correct?

10 A. Correct.

11 Q. Okay. And -- and by the same token, and I think we just

12 saw, your recollection of that night is pretty fuzzy,

13 correct?

14 A. Yeah, it was a long time ago, but, right.

15 Q. Long time ago, and you were using drugs, right?

16 A. Right.

17 Q. And drinks affect your perception, correct?

18 A. Right.

19 Q. It affects your memory?

20 A. It can, yes.

21 Q. Right. What was your average drug use per day at that

22 point in time?

23 A. That, I can't recall. It was just a substantial amount.

24 Q. Okay.

25 A. My habit as we were discussing was about \$300 a day.

12:34PM 1 Q. Yeah, yeah. All day, every day, right?

12:34PM 2 A. Right.

12:34PM 3 Q. Inside the club, outside the club?

12:35PM 4 A. Right.

12:35PM 5 Q. Right. Wake up, you're doing drugs at your house, right?

12:35PM 6 A. Right.

12:35PM 7 Q. Doing drugs at K.L.'s house, right?

12:35PM 8 A. Right.

12:35PM 9 Q. Doing drugs in the car, right?

12:35PM 10 A. Right.

12:35PM 11 Q. Right?

12:35PM 12 A. Yep.

12:35PM 13 Q. All over the place. All right.

12:35PM 14 Now, you -- when -- when you had that conversation with

12:35PM 15 Mr. Gerace, you didn't tell him no, I don't want to do that,

12:35PM 16 correct?

12:35PM 17 A. Right.

12:35PM 18 Q. And we talked about your signalling, your messaging,

12:35PM 19 right, at that point in time, was to be enthusiastic and

12:35PM 20 engaging, correct?

12:35PM 21 A. Sure.

12:35PM 22 Q. Okay. And it's your understanding that everybody in

12:35PM 23 Pharaoh's would have perceived that, correct?

12:35PM 24 A. I guess so, yeah.

12:35PM 25 Q. Yeah.

12:35PM

1 A. Sure.

12:35PM

2 Q. Okay. And, so, you went and you did that. And you

12:35PM

3 didn't say anything to him about it afterwards, correct?

12:35PM

4 A. Right.

12:35PM

5 Q. No follow-up conversation with Mr. Gerace, right?

12:35PM

6 A. Right.

12:35PM

7 Q. And you shared the entirety of the conversation that you

12:35PM

8 had with Mr. Gerace with us here today, correct?

12:35PM

9 A. Sure.

12:35PM

10 Q. And so he says, hey, will you entertain my friend?

12:36PM

11 You take it to mean sex for money. And you go and you

12:36PM

12 have sex with the kid, right?

12:36PM

13 A. Right.

12:36PM

14 Q. Fair. Now, following that, you also had further sex acts

12:36PM

15 with that gentlemen outside the club, correct?

12:36PM

16 A. Right.

12:36PM

17 Q. Okay. And at that point in time, he -- he's calling you

12:36PM

18 on your own, one to one, right?

12:36PM

19 A. Right.

12:36PM

20 Q. Right. He's not involving Mr. Gerace, right?

12:36PM

21 A. No.

12:36PM

22 Q. And he's setting up the place with you, right?

12:36PM

23 A. Yes. Yep.

12:36PM

24 Q. The time?

12:36PM

25 A. Yep.

12:36PM 1 Q. You negotiate how much money it's gonna be?

12:36PM 2 A. Right.

12:36PM 3 Q. You negotiate what the act is gonna be?

12:36PM 4 A. Right.

12:36PM 5 Q. Okay. And -- and you never told him no, no, no, I don't
12:36PM 6 want to do that, right?

12:36PM 7 A. Right.

12:36PM 8 Q. You never shared any of that money with Mr. Gerace?

12:36PM 9 A. No.

12:36PM 10 Q. And, in fact, you never told Mr. Gerace about that?

12:36PM 11 A. No.

12:36PM 12 Q. Right. In fact, you hid it from him, right?

12:36PM 13 A. It wasn't hiding it, I just didn't talk to him.

12:36PM 14 Q. Yeah. He would have had no way of knowing you were doing
12:36PM 15 that, right?

12:36PM 16 A. Exactly.

12:36PM 17 Q. Okay. Because this was something you were doing
12:37PM 18 completely on your own, right?

12:37PM 19 A. Right.

12:37PM 20 Q. Right. This is -- this is -- you're deciding to continue
12:37PM 21 a prostitution relationship with this guy outside the club on
12:37PM 22 your own, correct?

12:37PM 23 A. Right.

12:37PM 24 Q. Your choice, right?

12:37PM 25 A. Right.

12:37PM 1 Q. Right? You chose the place, right?

12:37PM 2 A. Right.

12:37PM 3 Q. You chose how much?

12:37PM 4 A. Right.

12:37PM 5 Q. Right? You chose the acts, correct?

12:37PM 6 A. Right.

12:37PM 7 Q. You could have said no to the acts if you wanted to,

12:37PM 8 right?

12:37PM 9 A. Sure.

12:37PM 10 Q. But that wasn't what you wanted to do at that time in

12:37PM 11 your life, right?

12:37PM 12 A. I needed the money.

12:37PM 13 Q. Yeah, yeah. And how many times do you think you did that

12:37PM 14 with that other gentleman?

12:37PM 15 A. Just a few.

12:37PM 16 Q. Okay. More than two?

12:37PM 17 A. Maybe about two or three.

12:37PM 18 Q. Okay. And he would contact you directly, right?

12:37PM 19 A. Right.

12:37PM 20 Q. Didn't involve Mr. Gerace?

12:37PM 21 A. Right.

12:37PM 22 Q. As far as you know, Mr. Gerace had no idea it was going

12:37PM 23 on?

12:37PM 24 A. Right.

12:38PM 25 Q. Okay. Now, one thing I meant to circle back to. When

12:38PM 1 you recall that period of time where you were working at

12:38PM 2 Pharaoh's, you hadn't met K.L. yet, right?

12:38PM 3 A. Right.

12:38PM 4 Q. Meeting K.L. is kind of a turning point for you, right?

12:38PM 5 A. Yes.

12:38PM 6 Q. K.L. is sort of the onramp to drug use again, right?

12:38PM 7 A. Yeah.

12:38PM 8 Q. Yeah, K.L. -- K.L. -- K.L. helped you engage in a lot of
12:38PM 9 poor decisionmaking, right?

12:38PM 10 A. Yeah.

12:38PM 11 Q. Yeah. The relationship with K.L. was pretty damaging to
12:38PM 12 you, correct?

12:38PM 13 A. Yes.

12:38PM 14 Q. Yeah. She -- she -- she wasn't a really good friend to
12:38PM 15 you?

12:38PM 16 A. Well, at the time I thought she was a good friend, but I
12:38PM 17 guess not, no.

12:38PM 18 Q. Yeah, you don't believe that now, she was not, no.

12:38PM 19 A. No.

12:38PM 20 Q. Okay. Now, at that point in time, you mentioned that
12:38PM 21 even though you were sober, you were still drinking from time
12:38PM 22 to time, correct?

12:38PM 23 A. Yes.

12:38PM 24 Q. Okay. And you called these slip-ups, right?

12:38PM 25 A. Yes.

12:38PM 1 Q. Okay. You were drinking, and you weren't proud of these

12:39PM 2 slip-ups at the time I assume, right?

12:39PM 3 A. No.

12:39PM 4 Q. Okay. And there came a time after each slip-up where you

12:39PM 5 thought to yourself, oh, my gosh, I don't want to do that, I

12:39PM 6 don't want to go down that road, right? Okay. You continued

12:39PM 7 to work at Pharaoh's, right?

12:39PM 8 A. Right.

12:39PM 9 Q. Which is a bar, right?

12:39PM 10 A. Right.

12:39PM 11 Q. Which is a place where customers will buy you drinks,

12:39PM 12 right?

12:39PM 13 A. Right.

12:39PM 14 Q. Right. You've had a customer offer to buy you a drink?

12:39PM 15 A. Sure.

12:39PM 16 Q. More than ten times, I bet?

12:39PM 17 A. Right.

12:39PM 18 Q. More than 100 times, I bet?

12:39PM 19 A. Right.

12:39PM 20 Q. That's a very, very common practice, right?

12:39PM 21 A. Right.

12:39PM 22 Q. Okay. I want to talk to you about that, the night of

12:39PM 23 that Amherst arrest.

12:39PM 24 You said that -- I think we already established that you

12:39PM 25 were high on heroin that night, right?

12:39PM 1 A. I believe so, yes.

12:39PM 2 Q. Okay. And you just bought heroin from the West Side,
12:39PM 3 right?

12:39PM 4 A. Yes.

12:39PM 5 Q. And you had gone down to Chippewa Street which is only a
12:39PM 6 half a block from here, and you had met some guys and you
12:39PM 7 were gonna party with them, correct?

12:39PM 8 A. Right.

12:40PM 9 Q. And you're driving, you're in the BMW?

12:40PM 10 A. Right.

12:40PM 11 Q. But K.L.'s driving?

12:40PM 12 A. Right.

12:40PM 13 Q. Okay. And you're zipping off out of to Amherst when you
12:40PM 14 get pulled over, right?

12:40PM 15 A. Right.

12:40PM 16 Q. And you get pulled over with heroin, right?

12:40PM 17 A. Right.

12:40PM 18 Q. Which is pretty serious, right?

12:40PM 19 A. Right.

12:40PM 20 Q. It would have been the most trouble that you had been
12:40PM 21 involved in at any point in your life up until then?

12:40PM 22 A. No. The DWIs were -- I got in trouble for the DWIs.
12:40PM 23 That was pretty serious.

12:40PM 24 Q. Okay. It's still pretty serious trouble?

12:40PM 25 A. Yes. Yeah, very serious.

12:40PM 1 Q. Yeah, very serious. And -- and so, when you have an
12:40PM 2 opportunity to speak with law enforcement, you told them what
12:40PM 3 you knew about Mr. Gerace right away, right?
12:40PM 4 A. Yes. They asked me some questions, I answered, yes.
12:40PM 5 Q. There was no filter on what you were sharing with them,
12:40PM 6 right?
12:40PM 7 A. Correct.
12:40PM 8 Q. Because you understood it would have been a crime to lie
12:40PM 9 to the FBI, right?
12:40PM 10 A. Yes.
12:40PM 11 Q. Yeah. And federal law enforcement, right?
12:40PM 12 A. Right.
12:40PM 13 Q. And they were there, right?
12:40PM 14 A. Right.
12:40PM 15 Q. And it didn't take them long to get there, did it?
12:40PM 16 A. No.
12:40PM 17 Q. Yeah. They found out that you had information about
12:41PM 18 Gerace, right?
12:41PM 19 A. Yes.
12:41PM 20 Q. Yeah. And then they were there to hear the information
12:41PM 21 almost immediately, right?
12:41PM 22 A. I think so, yeah.
12:41PM 23 Q. Yeah. Now, you weren't afraid of sharing information
12:41PM 24 about Peter?
12:41PM 25 A. No.

12:41PM 1 Q. No. You shared everything you knew immediately to get
12:41PM 2 yourself out of trouble, right? Or to try to?

12:41PM 3 A. Right. As they were asking questions, I answered them,
12:41PM 4 correct, thinking that I would get out of trouble, correct.

12:41PM 5 Q. Yeah. Yeah. There was no apprehension about, oh, you
12:41PM 6 know, I -- I -- I want to protect Peter, nothing like that?

12:41PM 7 A. No.

12:41PM 8 Q. You didn't want to protect Mr. Gerace?

12:41PM 9 A. No.

12:41PM 10 Q. You didn't want to protect Pharaoh's?

12:41PM 11 A. No.

12:41PM 12 Q. No. And -- and you -- you strike that.

12:41PM 13 So, you shared with them all the information that you
12:41PM 14 had, right?

12:41PM 15 A. Right.

12:41PM 16 Q. Okay. And I want to talk to you a little bit now about
12:42PM 17 the VIP area, and you shared a time about in the VIP Room
12:42PM 18 that you recall with a dancer name Joy; do you recall that?

12:42PM 19 A. Yeah.

12:42PM 20 Q. Okay. When you first met with law enforcement here you
12:42PM 21 didn't recall that instance, right?

12:42PM 22 A. No.

12:42PM 23 Q. No. You only recalled it like recently within the last
12:42PM 24 month, right?

12:42PM 25 A. Yeah.

1 Q. So -- so, you met with the U.S. Attorney's Office for the
2 first time I think in 2020; is that right?

3 A. Sounds right.

4 Q. Right. And they -- they -- they got your name because of
5 the 2009 arrest, correct?

6 A. Correct.

7 **MR. COOPER:** Objection as to how we got her name.
8 How would she know that?

9 **THE COURT:** I would like her understanding of it, so
10 overruled.

11 **BY MR. SOEHNLEIN:**

12 Q. Okay. Do you have an understanding of how they came to
13 know?

14 A. That would be my understanding.

15 Q. Yeah. Yeah.

16 A. Yeah.

17 Q. Because, because they -- they, well, strike that.

18 Now, so you first met with them in 2020, right?

19 A. Right.

20 Q. And you didn't share this story about Joy in the VIP Room
21 then, right?

22 A. Right.

23 Q. And you went into the grand jury and you testified and
24 you didn't share it there either?

25 A. Right.

12:43PM 1 Q. Okay. And you just recalled it within the last month,
12:43PM 2 right?

12:43PM 3 A. About that, yeah.

12:43PM 4 Q. Yeah, okay. Now, that event, when you're witnessing Joy
12:43PM 5 and the other man, did Joy appear like she was being forced
12:43PM 6 in any way?

12:43PM 7 A. No.

12:43PM 8 Q. She was being threatened?

12:43PM 9 A. No.

12:43PM 10 Q. No? It looked like that was something that she wanted to
12:43PM 11 do at the time, correct?

12:43PM 12 A. Yeah.

12:43PM 13 Q. And I think that you said that you believed that that the
12:43PM 14 customer and Joy may have had a relationship outside of the
12:43PM 15 club, right?

12:43PM 16 A. Yes.

12:43PM 17 Q. Right? It was your understanding that they were like
12:43PM 18 boyfriend and girlfriend, right?

12:43PM 19 A. Or something. No, she was a lesbian, so, no. Sorry.

12:43PM 20 No. They weren't dating. But they had some kind of
12:43PM 21 relationship, yes.

12:43PM 22 Q. Okay. That -- and that was your understanding based on
12:43PM 23 what you were perceiving, right?

12:43PM 24 A. Right.

12:43PM 25 Q. Okay. So this was not just a random patron, right?

12:43PM 1 A. Right.

12:43PM 2 Q. It was a patron that she knew?

12:44PM 3 A. Customer.

12:44PM 4 Q. A customer that she knew, yeah.

12:44PM 5 A. Yes.

12:44PM 6 Q. Do you call them customers or patrons? Customers?

12:44PM 7 A. Patrons sounds classier, but customers.

12:44PM 8 Q. Okay. We'll go with customers. We're going try and

12:44PM 9 strike that balance at some point in this trial.

12:44PM 10 A. Okay.

12:44PM 11 Q. Okay. And you never reported what you saw in the VIP

12:44PM 12 Room, correct?

12:44PM 13 A. No.

12:44PM 14 Q. You never told the VIP attendant, right?

12:44PM 15 A. No.

12:44PM 16 Q. And that's because in your head, this is what she wanted

12:44PM 17 to do, right?

12:44PM 18 A. Right.

12:44PM 19 Q. That she -- she didn't find it objectionable, so you

12:44PM 20 really didn't care, right?

12:44PM 21 A. Right.

12:44PM 22 Q. Okay. You weren't thinking about the rules of the club

12:44PM 23 at that point in time, right?

12:44PM 24 A. Correct.

12:44PM 25 Q. Correct. You weren't consulting the rule book, right?

12:44PM

1 A. No.

12:44PM

2 Q. Okay. Now, one other question -- now one other line of

12:44PM

3 questions, there was some testimony about K.L. at a hotel and

12:44PM

4 Mr. Gerace called you in the early-morning hours; do you

12:44PM

5 recall that testimony?

12:44PM

6 A. Yes.

12:44PM

7 Q. Now this wasn't the first time she had an adverse

12:45PM

8 reaction to using drugs, correct?

12:45PM

9 A. Right, she had them frequently.

12:45PM

10 Q. Yeah.

12:45PM

11 A. She had epilepsy.

12:45PM

12 Q. Yeah, and you had been in nursing school, right?

12:45PM

13 A. For a year, yes.

12:45PM

14 Q. Okay, yeah. And, so, when you heard that -- that she had

12:45PM

15 had this drug reaction, it didn't surprise you, right?

12:45PM

16 A. Right.

12:45PM

17 Q. You knew that she would be okay, right?

12:45PM

18 A. Based on what happened before, yes.

12:45PM

19 Q. Yes. And also you and K.L. didn't want to get in

12:45PM

20 trouble, right?

12:45PM

21 A. Well, I wasn't with her at the time, but you mean when

12:45PM

22 she had them with me, is that what you're asking?

12:45PM

23 Q. Well, let me ask you this. You knew K.L., right?

12:45PM

24 A. Yes.

12:45PM

25 Q. You guys were friends, right?

12:45PM 1 A. Right.

12:45PM 2 Q. Very close friends at that point in time, right?

12:45PM 3 A. Yes.

12:45PM 4 Q. You had an understanding of her drug use, correct?

12:45PM 5 A. Yes.

12:45PM 6 Q. You had an understand that she liked to use drugs, right?

12:45PM 7 A. Yes.

12:45PM 8 Q. You had an understanding that she didn't want to get in

12:45PM 9 trouble for using drugs, correct?

12:45PM 10 A. Correct.

12:45PM 11 Q. And you understood that if -- if an ambulance or law

12:45PM 12 enforcement would have been called to that hotel, then

12:45PM 13 there's a good possibility that she would've gotten in

12:45PM 14 trouble, correct?

12:45PM 15 A. Correct.

12:45PM 16 Q. She didn't want to get in trouble, did she?

12:45PM 17 A. No.

12:45PM 18 Q. Okay. And, so, it didn't surprise you when Mr. Gerace

12:45PM 19 asked you to come to the hotel, correct?

12:46PM 20 A. No.

12:46PM 21 Q. You knew that K.L. would be okay?

12:46PM 22 A. Yeah.

12:46PM 23 Q. Okay. Because you had experienced it before?

12:46PM 24 A. Right.

12:46PM 25 Q. Right. It wasn't really a big deal to you then, it was

1 just something that you had to deal with, correct?

2 A. Well, still scary because I didn't fully understand what
3 was going on until I got there.

4 Q. Okay. It was -- it was scary, but it was within the
5 realm of what your experience had been before that, right?

6 A. Sure.

7 Q. How many times had K.L. done that before that?

8 A. Around me, I think like twice before.

9 Q. Okay. And you had dealt with it on your own, right?

10 A. Yes.

11 Q. You hadn't called an ambulance?

12 A. No.

13 Q. You didn't call police?

14 A. No.

15 Q. Okay. All right.

16 **MR. SOEHNLEIN:** I think that might be all I have.

17 Can you just give me one second?

18 **THE WITNESS:** Sure.

19 **MR. SOEHNLEIN:** That's all I have, thank you very
20 much.

21 **THE COURT:** Any redirect, Mr. Cooper?

22 **MR. COOPER:** Yes, Judge. How much time do I have?

23 **THE COURT:** Well, I want to break at 1 if we can.

24 **MR. COOPER:** Okay. We may need to break while I'm
25 still redirecting, but I'm happy to start.

REDIRECT EXAMINATION BY MR. COOPER:

Q. On cross-examination, quite a few times Mr. Soehnlein asked you about what happened in the upstairs bathroom when Peter told you to take care of his friend; do you remember that?

A. Right.

Q. And you went and that person put his penis inside your vagina, right?

A. Yes.

Q. Was there any confusion in the discussion or the -- the words that Peter said to you? Did you interpret them clearly?

A. I believe so, yes.

Q. Okay. Any confusion in your mind about what he meant when he said, go take care of my buddy?

A. No.

Q. Okay. So those questions about how you interpreted it, was it clear to you?

A. Yes.

Q. Was it obvious?

A. Yeah.

Q. Did you think he meant go play Connect 4 with his friend in the bathroom?

A. No. No. I don't think that.

Q. Did you think he meant, hey, go talk to him about, you

12:48PM 1 know, what your life was like before you came to work here?

12:48PM 2 Is that how you interpreted it?

12:48PM 3 A. No.

12:48PM 4 Q. Did the friend seem surprised when you guys went in the

12:48PM 5 bathroom and had sex?

12:48PM 6 A. No.

12:48PM 7 Q. He didn't seem shocked, oh, my God, this woman is taking

12:48PM 8 her clothes off. That didn't happen?

12:48PM 9 A. No.

12:48PM 10 Q. There was no confusion, was there?

12:48PM 11 A. No.

12:48PM 12 Q. Let's talk about the BMW. You were asked some questions

12:48PM 13 about the BMW. Mr. Soehnlein asked you, oh, nice car you're

12:48PM 14 zipping around; you remember those questions?

12:48PM 15 A. Yes.

12:48PM 16 Q. Did you ever pay for that at all?

12:48PM 17 A. No, I didn't.

12:48PM 18 Q. Was someone else paying for it?

12:48PM 19 A. Yes.

12:48PM 20 Q. During that time in your life, were you spending all your

12:49PM 21 money on drugs?

12:49PM 22 A. Yes.

12:49PM 23 Q. Did the BMW last?

12:49PM 24 A. No, it got repossessed.

12:49PM 25 Q. Okay. You were asked some questions about the vibe that

1 you were putting out, being enthusiastic; do you remember
2 those questions?

3 A. Yeah.

4 Q. Okay. At the time, let's take summer of 2009, as a heavy
5 drug addict using opiates and cocaine every single day to get
6 through your shifts, would you describe your generic vibe as
7 enthusiastic and excited to be at work?

8 A. Not really. But --

9 Q. Okay. And how about this? When you walked upstairs the
10 night Peter gave you \$200 to have sex with his friend, did
11 you have a sign around your neck that said I want to have sex
12 for money?

13 A. No.

14 Q. Were you putting out a vibe that said I'd like for you to
15 sell my body to this man I've never met before? Was that the
16 vibe you were putting out?

17 A. No.

18 Q. Towards the end of the cross there, you were asked some
19 questions about K.L.'s seizures, specifically the night that
20 you went to the hotel to pick her up; do you remember that?

21 A. Yes.

22 Q. Okay. That was back around 2009, right?

23 A. Right.

24 Q. As you sit here today, do you have a clear memory of
25 exactly what words Peter Gerace said to you when he called

12:50PM 1 you on the phone?

12:50PM 2 A. No.

12:50PM 3 Q. Would looking at a statement that you made back in 2020

12:50PM 4 help refresh your memory?

12:50PM 5 A. Yeah. Sure, it would.

12:50PM 6 **MR. COOPER:** I'm holding 3565G, and I'm on page 3 of

12:50PM 7 4. May I approach the witness?

12:50PM 8 **THE COURT:** Sure.

12:50PM 9 **BY MR. COOPER:**

12:50PM 10 Q. Just read this paragraph to yourself, not out loud.

12:50PM 11 A. Okay.

12:50PM 12 Q. And look back up at me when you're finished.

12:51PM 13 A. All set.

12:51PM 14 Q. Okay.

12:51PM 15 **MR. COOPER:** May I approach?

12:51PM 16 **THE COURT:** You may.

12:51PM 17 **MR. COOPER:** Thanks.

12:51PM 18 **BY MR. COOPER:**

12:51PM 19 Q. Would looking at your grand jury testimony when you

12:51PM 20 testified back in December of 2020, would that help refresh

12:51PM 21 your memory about the details of that night?

12:51PM 22 A. Sure.

12:51PM 23 **MR. COOPER:** I'm holding what's marked for

12:51PM 24 identification as 3565A as in apple, and I'm on page 27.

12:51PM 25 **BY MR. COOPER:**

1 Q. Starting from around here, read to the bottom of this
2 page.

3 A. Sure.

4 Q. And then I'll come back and get it when you're done.

5 A. Yeah.

6 Q. Okay.

7 **MR. COOPER:** May I approach?

8 **THE COURT:** Yes.

9 **MR. COOPER:** Thank you.

10 **THE WITNESS:** Here you go.

11 **MR. COOPER:** Thank you.

12 **BY MR. COOPER:**

13 Q. Do you recall what Peter said to you when he called you
14 when K.L. was seizing from cocaine use in his hotel room?

15 A. Yes. He was -- he wanted me to come pick her up from the
16 hotel room. And he said -- I'm sorry, you're asking me what
17 he said to me exactly?

18 Q. Yeah. What do you recall about what he said to you on
19 the phone first when you --

20 A. Oh. Okay.

21 Q. Okay.

22 A. I don't remember even rereading that, I'm just telling
23 you what I remember--

24 Q. Sure.

25 A. -- from sitting here today.

12:53PM 1 Q. Yeah, I'm liking it.

12:53PM 2 A. I don't remember exactly. I just remember he wanted me

12:53PM 3 to come and get her out of the hotel room right away.

12:53PM 4 Q. Okay. When you showed up, what do you recall happening

12:53PM 5 when you showed up?

12:53PM 6 A. Went into the hotel room, and K.L. was, like, all

12:53PM 7 dishevelled and, like, waking up, like -- like when people

12:53PM 8 have, like, those grand mal seizures they're like almost like

12:53PM 9 they have amnesia and they're just, like, kind of out of it.

12:53PM 10 And that's what I remember about that. That's how she was.

12:53PM 11 Just like she had just had a seizure.

12:54PM 12 Q. Do you recall Peter Gerace telling you that he didn't

12:54PM 13 want K.L. to die in the hotel room, but he wouldn't call 911?

12:54PM 14 A. Yes, I do.

12:54PM 15 Q. This defendant said those words to you?

12:54PM 16 A. Yes.

12:54PM 17 Q. So when Mr. Soehnlein was asking you about whether, you

12:54PM 18 know, you had seen this happen before, do you -- did you know

12:54PM 19 at the time whether she was gonna be okay or not? Did you

12:54PM 20 know that?

12:54PM 21 A. No. Because I didn't know what they were doing in the

12:54PM 22 ho -- like, I didn't know what drugs they were using and

12:54PM 23 stuff, so I didn't exactly know. But I had seen it happen

12:54PM 24 before, and she was okay. But I didn't know everything, all

12:54PM 25 the details, no.

12:54PM 1 Q. And it turns out that she was okay, right?

12:54PM 2 A. Yeah.

12:54PM 3 Q. That's what happened.

12:54PM 4 A. She was fine, yeah.

12:54PM 5 Q. But the defendant said to you, I don't want her to die in

12:54PM 6 here, right?

12:54PM 7 A. Right.

12:54PM 8 Q. Those were his words?

12:54PM 9 A. Right.

12:54PM 10 Q. Okay. But he didn't call an ambulance did he?

12:54PM 11 A. No.

12:54PM 12 Q. A couple of times during cross-examination you were asked

12:55PM 13 questions about whether you -- the choices that you made; do

12:55PM 14 you remember being asked those questions?

12:55PM 15 A. Yes.

12:55PM 16 Q. Okay. You've been clean and sober about 13 years now,

12:55PM 17 correct?

12:55PM 18 A. Yeah.

12:55PM 19 Q. Is your ability to make choices today different than what

12:55PM 20 your ability was like to make choices in the summer of 2009?

12:55PM 21 A. Yes.

12:55PM 22 Q. Okay. When you're deep in the throes of addiction that

12:55PM 23 you spent a long time describing to this jury, is it

12:55PM 24 different in your brain, like, how your brain perceives

12:56PM 25 choices that are presented to you?

12:56PM

1 A. Yes.

12:56PM

2 Q. Okay. Are you driven and motivated by that addiction?

12:56PM

3 A. Today, no.

12:56PM

4 Q. No, I'm sorry, back then in 2009?

12:56PM

5 A. Yes.

12:56PM

6 Q. In the summer?

12:56PM

7 A. Yes.

12:56PM

8 Q. Okay. When the defendant told you that he'd give you

12:56PM

9 \$200 to take care of his buddy, and you went in the bathroom

12:56PM

10 and had sex with that man, was that a decision that was

12:56PM

11 driven by the fact that you were heavily addicted to drugs

12:56PM

12 and needed that money?

12:56PM

13 A. Yes. I did need that money.

12:56PM

14 Q. If someone asked you today, hey, go have sex with someone

12:57PM

15 in that back room over there on the side of the courtroom for

12:57PM

16 \$200, would you do it?

12:57PM

17 A. No.

12:57PM

18 Q. You were asked on cross-examination about whether you

12:57PM

19 continued to see that individual afterwards and have sex for

12:57PM

20 money; do you remember that question?

12:57PM

21 A. Yes.

12:57PM

22 Q. Can you explain to the jury, did it become easier to do

12:57PM

23 that after the defendant had already put you up to it once?

12:57PM

24 A. Yeah.

12:57PM

25 Q. Can you explain that to them? What do you mean by that?

1 A. When you're, like, an addict I guess or an alcoholic,
2 like, I would set these invisible bars for myself saying,
3 like, if I'm, like, for example, I'll never drink in the
4 morning, or I'll never have sex for money. And when you're
5 addicted those bars become lowered or nonexistent.

6 And that's exactly what happened after this incident. It
7 was just easier to do that again, to have sex for money. And
8 it was like a new way to earn money so I could buy drugs. I
9 don't know.

10 Q. Who introduced you to that?

11 A. Pardon me?

12 Q. Who made that a new way for you to earn money? Who
13 brought this into your life?

14 A. Well, it was that incident upstairs. I mean, that was --
15 that was how it first happened. So, Peter, I guess, or K.L..
16 I don't know.

17 Q. Who -- well, who said go take care of my buddy? Peter or
18 K.L.?

19 A. Peter.

20 Q. Okay. Who gave you \$200?

21 A. Peter.

22 Q. You were asked on cross-examination about whether your
23 memory was fuzzy on that night; do you remember being asked
24 that?

25 A. Yes.

12:59PM 1 Q. Okay. You provided the jury with some details, right?

12:59PM 2 A. Right.

12:59PM 3 Q. Okay. Did you make any of those details up?

12:59PM 4 A. No.

12:59PM 5 Q. Do you recall those details happening?

12:59PM 6 A. Yes.

12:59PM 7 Q. Is that fuzzy at all?

12:59PM 8 A. No.

12:59PM 9 Q. Okay. Was it a pretty -- is it a pretty, like, iconic
12:59PM 10 event in your memory, the first time that you had sex in
12:59PM 11 exchange for money?

12:59PM 12 A. Yeah.

12:59PM 13 Q. It stands out in your mind?

12:59PM 14 A. Sure.

12:59PM 15 Q. Have you heard the term "nodding out" before?

12:59PM 16 A. Yes.

12:59PM 17 Q. Do you know what that means?

12:59PM 18 **MR. SOEHNLEIN:** Objection, Your Honor. This is
12:59PM 19 beyond the scope of direct.

01:00PM 20 **MR. COOPER:** This is not beyond the scope of direct.
01:00PM 21 There were questions about whether Mr. Gerace knew that she
01:00PM 22 was using certain drugs, and I'm going to probe that now.

01:00PM 23 **THE COURT:** Okay, overruled.

01:00PM 24 **THE WITNESS:** Yes.

01:00PM 25 **BY MR. COOPER:**

01:00PM 1 Q. What's it mean to nod out?

01:00PM 2 A. To close your eyes and, like, pass out while you're still
01:00PM 3 sitting up almost.

01:00PM 4 Q. Okay. And is that something that happens when people use
01:00PM 5 opiates heavily?

01:00PM 6 A. Yes.

01:00PM 7 Q. Do you see that happen with people at Pharaoh's?

01:00PM 8 A. It happened to me.

01:00PM 9 Q. Describe that for the jury.

01:00PM 10 A. Well, when I became heroin addicted, there were times
01:00PM 11 where I would be nodding out at work. Or, you know, I'd be
01:00PM 12 in and out of, like, consciousness, but you're still like
01:00PM 13 sitting up. Your eyes would close, you'd sway back and
01:00PM 14 forth, almost look like you're drunk. That's how it was.

01:00PM 15 Q. Is that a result of opiate use?

01:00PM 16 A. Yes.

01:00PM 17 Q. You said it would happen to you at work. Did it happen
01:00PM 18 once or more than once?

01:00PM 19 A. A couple of times.

01:00PM 20 Q. You were asked questions about the fact that K.L. was a
01:01PM 21 bad influence on you; you remember being asked those
01:01PM 22 questions?

01:01PM 23 A. Right.

01:01PM 24 Q. Okay. Did K.L. ever tell you I'll give you \$200 to go
01:01PM 25 have sex with my friend?

01:01PM 1 A. No.

01:01PM 2 Q. That didn't happen?

01:01PM 3 A. No.

01:01PM 4 Q. Do you remember whether other dancers who worked at

01:01PM 5 Pharaoh's that you observed or were aware of were asked to do

01:01PM 6 that same thing by this defendant, have sex with someone for

01:01PM 7 money?

01:01PM 8 A. No.

01:01PM 9 **MR. SOEHNLEIN:** Objection, beyond the scope.

01:02PM 10 **THE COURT:** Sustained.

01:02PM 11 Are you getting close, Mr. Cooper?

01:02PM 12 **MR. COOPER:** Excuse me?

01:02PM 13 **THE COURT:** Are you getting close?

01:02PM 14 **MR. COOPER:** Yes.

01:02PM 15 **THE COURT:** Okay.

01:02PM 16 **MR. COOPER:** Excuse me, just give me one second to
01:02PM 17 find my place.

01:02PM 18 **BY MR. COOPER:**

01:02PM 19 Q. Oh, you were asked some questions on cross-examination

01:02PM 20 about the meeting that you had with the FBI back in 2009 when

01:02PM 21 you were arrested; do you remember that?

01:02PM 22 A. Yes.

01:02PM 23 Q. Did you answer the questions that they were asking you?

01:03PM 24 A. Yes.

01:03PM 25 Q. Okay. You were also asked some questions about the --

1 what you provided this jury, the information you provided
2 this jury about Joy having sexual intercourse in the
3 Champagne Room; do you remember that?

4 A. Yes.

5 Q. And Mr. Soehnlein asked you on cross-examination if you
6 first mentioned that this month; is that right?

7 A. Yeah.

8 Q. Let's talk about that a little bit.

9 Earlier on my first direct examination, I asked you if
10 you and I had sat down and prepped before you testified,
11 right?

12 A. Right.

13 Q. Did you find that helpful?

14 A. A little bit, yeah.

15 Q. Okay. And when we sat down and talked, did I sometimes
16 ask you different questions?

17 A. Sometimes, but it was like kind of the same thing.

18 Q. Okay. And with respect to the information about Joy, do
19 you recall in that meeting me asking you questions
20 specifically about what happened in the Champagne Room?

21 A. Yes.

22 Q. Would you disagree with me that you weren't asked that
23 question in the grand jury?

24 A. Right.

25 Q. Okay. And when I asked you that question, did you tell

1 me what you recalled?

2 A. Yes.

3 Q. You were asked questions about whether K.L. wanted to get
4 in trouble, do you remember those questions, with respect to
5 the seizure at the hotel?

6 A. Right.

7 Q. Was there a rule that you were aware of at Pharaoh's that
8 the defendant set about not calling an ambulance or the
9 police?

10 **MR. SOEHNLEIN:** Objection, beyond the scope.

11 **THE COURT:** Sustained.

12 **MR. COOPER:** Judge --

13 **THE COURT:** Sustained.

14 **MR. COOPER:** Can I -- I'd like to come up and argue
15 it then.

16 **THE COURT:** No. Sustained.

17 **BY MR. COOPER:**

18 Q. You were asked questions on cross-examination about
19 whether it was K.L.'s fear of getting in trouble or the
20 defendant telling you not to call an ambulance; do you
21 remember being asked about that topic on cross-examination?

22 A. Yes.

23 Q. Okay. Are you aware of whether the defendant set rules
24 about whether people should call an ambulance?

25 **MR. SOEHNLEIN:** Objection, beyond the scope.

01:05PM

1

THE COURT: Sustained.

01:05PM

2

MR. COOPER: Judge, I'd like to be heard on it.

01:05PM

3

THE COURT: Mr. Cooper, it's five minutes after 1.

01:05PM

4

If you're gonna finish your redirect, finish the redirect.

01:05PM

5

MR. COOPER: Will I be allowed to argue it if we

01:05PM

6

break then? I -- I'm just trying to--

01:05PM

7

THE COURT: Okay. Folks, we're going to take our

01:05PM

8

lunch break now. Okay? So you folks remember my

01:05PM

9

instructions.

01:05PM

10

Don't talk about this case with anyone. Don't talk

01:05PM

11

about it with each other. Don't use tools of technology to

01:05PM

12

research the case, to learn anything about the case or

01:05PM

13

communicate anything about the case.

01:05PM

14

Don't read or watch or listen to any news coverage of

01:05PM

15

the case, if there is any, while the case in progress. Don't

01:05PM

16

make up your mind about anything until the case is submitted

01:05PM

17

to you.

01:05PM

18

Be back here at five minutes after 2. Thank you.

01:05PM

19

(Jury excused at 1:05 p.m.)

01:06PM

20

THE COURT: Hey, Ma'am, don't talk to anybody about

01:06PM

21

your testimony during the lunch break. Sorry that you're

01:06PM

22

going to have to come back, but that's the way it is.

01:06PM

23

THE WITNESS: Okay.

01:06PM

24

THE COURT: Okay, thanks.

01:06PM

25

(Witness excused at 1:06 p.m.)

01:06PM

1

THE COURT: Okay. Mr. Cooper, make your record.

01:06PM

2

MR. COOPER: Judge, the purpose of redirect

01:06PM

3

examination is to rehabilitate points that were brought up on

01:07PM

4

cross-examination.

01:07PM

5

THE COURT: Yep.

01:07PM

6

MR. COOPER: The point that was brought up on

01:07PM

7

cross-examination with this witness was to ask about K.L. not

01:07PM

8

wanting to get in trouble.

01:07PM

9

K.L.'s not the person who called her to say come get

01:07PM

10

her out of here, it was the defendant.

01:07PM

11

I'm in possession of facts that I expect this witness

01:07PM

12

to testify to that will rebut the argument that the defense

01:07PM

13

raised on cross-examination.

01:07PM

14

THE COURT: Rebut what argument that the defendant

01:07PM

15

raised?

01:07PM

16

MR. COOPER: That it was K.L. -- that K.L. is the

01:07PM

17

motivating force behind an ambulance not being called the

01:07PM

18

night of her seizure.

01:07PM

19

Judge, I resp -- I feel like if it was a half an hour

01:07PM

20

before the lunch break, this would be an area --

01:07PM

21

THE COURT: No.

01:07PM

22

MR. COOPER: -- I wasn't even able to come up and

01:07PM

23

argue it, and so I respectfully -- nobody feels worse --

01:07PM

24

THE COURT: You don't know what my ruling is gonna

01:07PM

25

be. You're not going to get into what rules in the club are

1 with respect to a phone call that's made from a hotel room.
2 That's not coming in. So you can argue until you're blue in
3 the face, and you make whatever record you want.

4 Make whatever record you want. Try to convince me.
5 Go ahead.

6 **MR. COOPER:** Judge, it's a -- it's a rule set by the
7 defendant about not calling 911 so that people don't get in
8 trouble. I would suggest to you that the same behavior the
9 defendant is engaging in in the club, which is doing cocaine
10 in the upstairs area, dancers overdosing, whatever it is, is
11 consistent with the instance here.

12 She worked for him. Those rules that he's expressed
13 to her are relevant proof for the jury to hear, and it's -- I
14 believe it's within the scope of the cross-examination when
15 there's a -- an argument made that K.L. not wanting to get in
16 trouble is the driving force.

17 They even asked, like, did K.L. want you to call an
18 ambulance? Or did K.L. -- had you called an ambulance in the
19 past? This is -- it's --

20 **THE COURT:** And you can argue to the jury that it
21 wasn't K.L. that made that decision, it was Mr. Gerace. And
22 the testimony about the rule in Pharaoh's is already in. So
23 you're not gonna get into this now. I believe that this
24 question is beyond the scope of the cross-examination that
25 Mr. Soehnlein did.

24 **MR. TRIPI:** I don't -- I don't have an answer for
25 that, Judge, but it is within the scope of the cross. And if

01:10PM 1 it's not, Judge, if it's not--

01:10PM 2 **THE COURT:** How is -- how is it within the scope of
01:10PM 3 the cross -- how is whether there were sex acts being engaged
01:10PM 4 in upstairs within the scope of a cross that talks about
01:10PM 5 bouncers downstairs?

01:10PM 6 **MR. TRIPI:** Well, I -- I hear you, but I think that's
01:10PM 7 slices the bologna a little then. It's the owner, it's the
01:10PM 8 premises, the whole premises is charged as a drug-involved
01:10PM 9 premises. The sex and the drugs are intertwined, that's our
01:10PM 10 whole theory of the case. And if it should have been on the
01:10PM 11 direct direct-exam, then I'd ask for a little bit of latitude
01:10PM 12 to circle back to that, because it's in the grand jury,
01:10PM 13 they're aware of it, it's not something we're making up here
01:11PM 14 on the fly. I intend to circle back to that.

01:11PM 15 But you would infer, rules for the downstairs, no sex
01:11PM 16 acts, means no sex acts in the club. They crossed on that.

01:11PM 17 **THE COURT:** Okay. Mr. Soehnlein.

01:11PM 18 **MR. SOEHNLEIN:** Your Honor, I -- I had a part of my
01:11PM 19 cross that was for that, and they didn't bring it up. And so
01:11PM 20 I didn't do it.

01:11PM 21 And so, I mean, clearly, at least in my head, I
01:11PM 22 thought that that was not something they were gonna pursue
01:11PM 23 with this witness.

01:11PM 24 **THE COURT:** Yeah, I think Mr. Soehnlein's right, I'm
01:11PM 25 not going to allow it.

01:11PM 1 **MR. TRIPI:** But, Judge, you can allow recross on
01:11PM 2 that. We're asking for a little latitude on that.

01:11PM 3 **THE COURT:** I understand. No.

01:11PM 4 **MR. TRIPI:** This is -- this is my last pitch, Judge.

01:11PM 5 **THE COURT:** Go ahead.

01:11PM 6 **MR. TRIPI:** This is not a trial where we're gonna
01:11PM 7 have witnesses on the stand two and three days. You had that
01:11PM 8 last trial. This is a significant government witness, and
01:11PM 9 it's extending a little longer, but she's not going to be on
01:11PM 10 the stand for two days, I'm asking for a little latitude from
01:11PM 11 the Court with a key witness in the government's proof.

01:11PM 12 **THE COURT:** No. We're going to move this case along,
01:12PM 13 and we're not going back and reopening things.

01:12PM 14 **MR. TRIPI:** But --

01:12PM 15 **THE COURT:** I've made -- I've made my decision,
01:12PM 16 Mr. Tripi.

01:12PM 17 **MR. TRIPI:** But this is a --

01:12PM 18 **THE COURT:** I need you to -- I'm giving you -- I'm --
01:12PM 19 look it. I have been giving you a lot of latitude. I'm not
01:12PM 20 going to let you -- I think it's beyond the scope of the
01:12PM 21 cross, and I'm not going to let you reopen the direct.

01:12PM 22 End of story.

01:12PM 23 **MR. TRIPI:** He did cross on the upstairs though. He
01:12PM 24 didn't avoid upstairs altogether.

01:12PM 25 **MR. SOEHNLEIN:** I crossed -- I crossed on the

1 conversation she had with Gerace upstairs.

2 **MR. TRIPI:** That -- that conversation is happening in
3 the context, Judge, where four or five other men are with
4 other dancers.

5 **MR. SOEHNLEIN:** They didn't say that on direct.

6 **MR. TRIPI:** Can I finish here?

7 You can't slice the bologna that thin, Judge.

8 He crosses on the upstairs, in the conversation there
9 are other people there, other things are happening. That is
10 within the scope of redirect.

11 It might not -- he could've -- he could have avoided
12 upstairs altogether, he didn't. That's my pitch.

13 **THE COURT:** Okay. My ruling is the same. Okay?
14 We'll see you folks at five -- five after 2.

15 **MR. FOTI:** You have a matter, Judge, right before.

16 **THE COURT:** I do.

17 **THE CLERK:** Yes.

18 (Off the record at 1:13 p.m.)

19 (Back on the record at 2:13 p.m.)

20 (Jury not present.)

21 **THE CLERK:** All rise.

22 **THE COURT:** Please be seated.

23 **THE CLERK:** We are back on the record for the
24 continuation of the jury trial in case numbers 19-CR-227 and
25 23-CR-37, United States of America versus Peter Gerace, Jr.

22 I get to decide whether I hear more oral argument.
23 And it generally is going to be based on whether I think
24 there's an opening for me to be convinced by you, because if
25 there's not, then I will let you make a record on the break.

02:15PM 1 So that is why I didn't ask for argument at the bench, and why
02:15PM 2 I was trying -- I was a bit impatient, perhaps I should be
02:15PM 3 more patient. When you become a federal judge they take some
02:15PM 4 of your patience away, and I -- perhaps I should have been
02:15PM 5 more patient, and I'm sorry for not being more patient, but
02:15PM 6 that was the reason for my impatience.

02:16PM 7 Is there anything more you'd like to say on that or
02:16PM 8 anything else?

02:16PM 9 **MR. COOPER:** Just that this is trial number 3, and
02:16PM 10 one year in front of you, and I think every single time
02:16PM 11 something's come up, you're always open to hearing argument on
02:16PM 12 it. And so patience is something that I think you show a fair
02:16PM 13 amount of.

02:16PM 14 I think what caught me off guard is that I've grown
02:16PM 15 to accustomed to that being accepted by you when we ask. And
02:16PM 16 then when you say no --

02:16PM 17 **THE COURT:** Which I why I thought I needed to explain
02:16PM 18 it now.

02:16PM 19 **MR. COOPER:** And I'm explaining -- I guess what I'm
02:16PM 20 saying is I shouldn't take it for granted, you are allowed to
02:16PM 21 say, no, Mr. Cooper, keep doing your job and I have to listen
02:16PM 22 to that.

02:16PM 23 So I didn't mean to be disobedient to your ruling, I
02:16PM 24 just was surprised and kind of caught off guard.

02:16PM 25 **THE COURT:** And I understand. I get it. And it's in

02:16PM 1 the past. Okay?

02:16PM 2 **MR. COOPER:** Yep. And I'm prepared to finish the
02:16PM 3 redirect. So I'm ready when you are.

02:16PM 4 **THE COURT:** Great. Anything we need to do before we
02:16PM 5 bring her back in?

02:16PM 6 **MR. SOEHNLEIN:** No, thank you, Judge.

02:17PM 7 **THE COURT:** Okay. Let's bring the witness back in,
02:17PM 8 and let's bring the jury back in.

02:17PM 9 **MR. TRIPI:** One brief heads up, Judge, not related to
02:17PM 10 this witness. Just -- I think we can, it's up to Mr. Foti,
02:17PM 11 but he's handling the next witness, it will be A.B. I think
02:17PM 12 for 85 to 90 percent of the direct there's, you know, he'll
02:17PM 13 object when he deems it necessary, but there's one issue we
02:17PM 14 might want to flag and before I get into it. So my thought
02:17PM 15 is, I'll get started, and when I get close to that, maybe it
02:17PM 16 will be time to a break anyway --

02:17PM 17 **THE COURT:** Great.

02:17PM 18 **MR. TRIPI:** -- and we can handle it that way. But I
02:17PM 19 just wanted to flag it for you.

02:17PM 20 **THE COURT:** Perfect.

02:17PM 21 **MR. TRIPI:** Is that okay, Mark?

02:17PM 22 **MR. FOTI:** Yes.

02:17PM 23 **THE COURT:** Thank you, Mr. Tripi.

02:17PM 24 **MR. COOPER:** You can get her back in, too, thank you.

02:18PM 25 (Witness and Jury seated at 2:18 p.m.)

25 | Q. Okay. Was he a manager at Pharaoh's?

02:19PM

1 A. Yes.

02:19PM

2 Q. Okay. Is it a name you think you'd recognize if you

02:20PM

3 heard it again, or you never knew it?

02:20PM

4 A. I don't think I ever knew, I just know what he looked

02:20PM

5 like.

02:20PM

6 Q. Got it. Did Chris, that manager, did he work for this

02:20PM

7 defendant?

02:20PM

8 A. Yes.

02:20PM

9 Q. Okay. At one time -- on cross-examination I think the

02:20PM

10 name Brandon Carr came up; do you remember that?

02:20PM

11 A. Yes.

02:20PM

12 Q. Did he -- what was his role at Pharaoh's?

02:20PM

13 A. He was a DJ.

02:20PM

14 Q. Okay. And as a DJ, did he work for the defendant?

02:20PM

15 A. Yes.

02:20PM

16 Q. You were asked some questions on cross-examination about

02:20PM

17 how being an exotic dancer is a bit of a performance; do you

02:20PM

18 remember being asked those questions?

02:20PM

19 A. Yeah.

02:20PM

20 Q. Okay. In the summer of 2009, was your addiction to

02:20PM

21 cocaine a performance?

02:20PM

22 A. No.

02:20PM

23 Q. Was your addiction to Lortabs a performance?

02:20PM

24 A. No.

02:20PM

25 Q. Were you acting that out?

02:20PM 1 A. No.

02:20PM 2 Q. When you lost 20 pounds, was it for a movie role?

02:20PM 3 A. No.

02:20PM 4 Q. You were asked some questions on cross-examination about
02:21PM 5 that Amherst arrest and the conversation that you had with
02:21PM 6 law enforcement; do you remember those questions?

02:21PM 7 A. Yes.

02:21PM 8 Q. Do you know who bailed K.L. out?

02:21PM 9 A. Peter.

02:21PM 10 Q. And finally, you were asked some questions on
02:21PM 11 cross-examination about the upstairs area at Pharaoh's the
02:21PM 12 night Peter gave you money to have sex with someone.

02:21PM 13 I'd like for you to describe for the jury to the best of
02:21PM 14 your ability to remember who was upstairs when that happened.

02:21PM 15 **MR. SOEHNLEIN:** Objection, beyond the scope.

02:21PM 16 **THE COURT:** No, overruled.

02:21PM 17 **BY MR. COOPER:**

02:21PM 18 Q. Go ahead.

02:21PM 19 A. That was a really long time ago. But I know it was me
02:21PM 20 and K.L.. a bunch of nameless, faceless, like, people that
02:21PM 21 were, like, guy friends of his. And Peter.

02:21PM 22 Q. You said nameless, faceless guy friends of his; is that
02:21PM 23 correct?

02:22PM 24 A. Yeah, like, I don't remember what he looked like or who
02:22PM 25 they were.

02:22PM 1 Q. Okay. Friends of whose?

02:22PM 2 A. Peter's.

02:22PM 3 Q. Okay. And can you estimate was that about five, about
02:22PM 4 ten, do you remember?

02:22PM 5 A. Not really, no.

02:22PM 6 Q. Okay. Would looking at your grand jury testimony help
02:22PM 7 you remember?

02:22PM 8 A. Yeah, if you gave it to me.

02:22PM 9 Q. Just give me one second to find it.

02:22PM 10 I'm looking at 3565A, and now I'm on page 18.

02:22PM 11 There's some sticky notes on here, just ignore that. I'm
02:22PM 12 going to show you page 18, and there's kind of an underlying
02:22PM 13 paragraph, so I'll direct your attention to that.

02:22PM 14 **MR. COOPER:** May I approach, Judge?

02:22PM 15 **THE COURT:** Yes, you can.

02:23PM 16 **THE WITNESS:** Okay. Yeah, that looks about right.

02:23PM 17 **BY MR. COOPER:**

02:23PM 18 Q. Okay. So did that looking at that without reading from
02:23PM 19 that, just answer this, did looking at that refresh your
02:23PM 20 memory?

02:23PM 21 A. Yes. Sounds about right, like I said.

02:23PM 22 Q. Okay.

02:23PM 23 **MR. COOPER:** Can I approach?

02:23PM 24 **THE COURT:** Sure.

25

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BY MR. COOPER:

Q. About how many of Peter's friends do you remember being upstairs?

A. Like a half a dozen.

Q. Okay. And were there other dancers upstairs as well?

A. No.

Q. So you remember yourself and K.L.?

A. Yes. That I can remember.

Q. You were asked questions on cross-examination about choices quite a few times; do you remember that?

A. Yes.

Q. Before you got heavily addicted to coke and heroin while you were working at Pharaoh's, in the earlier time when you worked at Pharaoh's, pre-addiction, did this defendant ever try to get you to have sex with his friends for money?

A. No.

Q. Okay.

MR. COOPER: I'm finished. Thank you, Judge.

THE COURT: Anything more?

MR. SOEHNLEIN: Less than a minute, Judge.

RECROSS-EXAMINATION BY MR. SOEHNLEIN:

Q. Thank you for your patience.

When you're addicted to narcotics, you can still make choices, right?

02:24PM

1 A. Yeah.

02:24PM

2 Q. Right? You made the choice to walk through the door into

02:24PM

3 Pharaoh's every day, correct?

02:24PM

4 A. Right.

02:24PM

5 Q. You made the decision what outfit you were gonna wear,

02:24PM

6 right?

02:24PM

7 A. Yes.

02:24PM

8 Q. You made the decision what car you were gonna drive,

02:24PM

9 right?

02:24PM

10 A. Right.

02:24PM

11 Q. And sometimes when you're addicted, you make choices,

02:24PM

12 there's consequences to those choices; isn't that right?

02:24PM

13 A. Right.

02:24PM

14 Q. But you can get arrested for those choices, right?

02:24PM

15 A. Right.

02:24PM

16 Q. You can get in trouble for those decisions, right?

02:24PM

17 A. Right.

02:24PM

18 Q. You can do things you regret because of those decisions;

02:25PM

19 isn't that right?

02:25PM

20 A. Right.

02:25PM

21 Q. Peter Gerace didn't get you addicted to drugs did he?

02:25PM

22 A. No.

02:25PM

23 **MR. SOEHNLEIN:** That's all I have.

02:25PM

24 **THE COURT:** Anything more?

02:25PM

25

RE-REDIRECT EXAMINATION BY MR. COOPER:

Q. When you were addicted to drugs, did he give you money to have sex with one of his friends?

MR. SOEHNLEIN: Objection.

THE COURT: Overruled.

THE WITNESS: Yes.

MR. COOPER: I'm good, thanks, Judge.

THE COURT: You can step down, ma'am, thank you.

(Witness excused at 2:25 p.m.)

(Excerpt concluded at 2:25 p.m.)

* * * * *

CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I
certify that these original notes are a true and correct
record of proceedings in the United States District Court for
the Western District of New York on November 13, 2024.

s/ Ann M. Sawyer

Ann M. Sawyer, FCRR, RPR, CRR

Official Court Reporter

U.S.D.C., W.D.N.Y.

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TRANSCRIPT INDEX

EXCERPT - EXAMINATION OF G.R. (PROTECTED WITNESS #2)

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